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Seventy-first session

Summary record of the 1641st meeting*
Held at the Palais des Nations, Geneva, on Tuesday, 30 October 2018, at 10 a.m.

Chair: Ms. Leinarte

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* No summary records were issued for the 1639th and 1640th meetings.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Mauritius (CEDAW/C/MUS/8 and CEDAW/C/MUS/QPR/8)

1. *At the invitation of the Chair, the delegation of Mauritius took places at the Committee table.*

2. **Ms. Jeewa-Daureeawoo** (Mauritius) said that her Government had appreciated the opportunity to submit its eighth periodic report (CEDAW/C/MUS/8) using the simplified reporting procedure, which had helped reduce the reporting burden for Mauritius, a small island developing State with limited resources. In the period since its previous review, her country had made significant progress towards achieving gender equality and women's empowerment, including by ratifying the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol). Women's representation in decision-making roles in Government had improved, most notably through the election of the country's first woman President in 2014, and the number of women standing in local elections had increased. Moreover, the Constitution had been amended to establish a minimum gender quota for candidates in elections to the Rodrigues Regional Assembly. Electoral reforms were envisaged to improve the gender balance in the National Assembly, where women were still underrepresented.

3. Several pieces of legislation relating to women's human rights had been enacted or amended. For example, the National Women's Council Act of 2016 had been adopted to improve the functioning of the National Women's Council and, thus, aid in the promotion of women's empowerment and gender equality, and the Employment Rights Act had been revised to increase maternity leave from 12 to 14 weeks and to incorporate the principle of equal pay for work of equal value. Other achievements during the reporting period included the publication of the country's first African Gender and Development Index report, which had revealed the significant strides that had been made in terms of improving gender equality and women's empowerment, and the realization of gender parity in primary education enrolment rates.

4. Notwithstanding the progress made, structural barriers to the attainment of gender equality remained. As a result, the National Steering Committee on Gender Mainstreaming had been established to facilitate cooperation between the gender focal points of each ministry and the National Gender Policy Framework was being amended to align it more closely with the relevant goals of the 2030 Agenda for Sustainable Development. Once revised, the Framework would serve as an effective tool for enabling ministries to revise their sector-specific gender policies and remove obstacles to women's equality. In addition, budget allocations for gender equality had been established, which, for the current financial year, covered the introduction of a bill on gender equality, the provision of training on gender issues for government officials and the establishment of a work-at-home scheme aimed at increasing productivity and extending opportunities beyond the traditional workplace. The Government was also working with the European Union to obtain technical assistance and capacity-building in relation to gender mainstreaming and to monitor progress in, among other areas, combating violence against women and girls and eliminating all forms of trafficking of girls in Mauritius.

5. Various measures had been taken to combat gender-based violence against women in Mauritius and in the islands of Rodrigues and Agalega. For instance, an innovative mobile application had been launched in order to enable women to alert the authorities of family welfare issues and thus gain the necessary protection they needed. Similarly, a citizen support website had been created to allow members of the public to report gender-based violence, among other matters. An integrated support centre was also being put in place to provide 24-hour comprehensive support and counselling for victims of violence. In that connection, while the criminalization of marital rape was still under consideration, the definition of domestic violence contained in the Protection from Domestic Violence Act had been expanded to include forced sexual conduct. Awareness-raising campaigns were

carried out on diverse topics, such as gender equality, women's empowerment and family welfare, and a mobile service conducted outreach in remote areas. As regards tackling gender stereotypes, boys were encouraged to take non-traditional subjects in school and gender networks had been established to inculcate the concept of gender equality in young persons.

6. In other areas, measures had been taken to ensure that women on the islands of Rodrigues and Agalega had access to adequate health-care services, including by transferring patients requiring specialist treatment to Mauritius. Awareness-raising campaigns and preventive measures were being implemented to tackle the teenage pregnancy rate and encourage pregnant girls and new mothers to complete their education. Efforts to eradicate extreme poverty had led to a re-evaluation of the poverty threshold, which was now 40 per cent higher than the figure set by the World Bank, and the introduction of a subsistence allowance aimed at lifting persons out of poverty. Women's economic empowerment was being promoted through, among other initiatives, a 10-year master plan for small and medium-sized enterprises, which included measures aimed at fostering women's entrepreneurial activities, and the provision of technical training to young people. In August 2018, a ministerial conference on the link between women's economic empowerment and sustainable development had been held in Mauritius and attended by delegates from 19 member States of the Indian Ocean Rim Association.

7. Regarding trafficking in persons, Mauritius had been removed from the tier 2 watch list maintained by the United States Department of State in 2015. Various measures had been taken to combat trafficking, including informing migrant workers of their rights and raising awareness of trafficking for the purposes of forced labour and sexual exploitation. In 2017, the Government had established a new ministry with responsibility for dealing with human rights issues in a more comprehensive manner. A national mechanism for reporting and follow-up had also been set up to: promote consultation between government ministries and civil society, which included representatives of the lesbian, bisexual, transgender and intersex community; ensure that the Government met its human-rights-related obligations, including the submission of periodic reports; and facilitate cooperation between ministries in implementing recommendations made by the human rights treaty bodies. Lastly, the Government was committed to bringing meaningful change to Mauritius and looked forward to receiving the recommendations and support of the Committee to help it in achieving that goal.

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8. **Ms. Schulz** said she was concerned that several important issues that had been raised repeatedly by the Committee during previous reviews of the State party's implementation of the Convention had still not been addressed. She therefore wished to know whether the bill on gender equality included provision for the Convention to be fully transposed into domestic law, whether the State party intended to align the definition of discrimination in the Constitution with article 1 of the Convention and whether the Constitution was to be amended to extend the prohibition of discrimination to the public sector. She would be interested to know whether a timeline had been set for repealing the exemption to the prohibition of discrimination contained in section 16 (4) (c) of the Constitution, which concerned personal status issues such as marriage, divorce and inheritance rights. The Committee was very concerned that little progress had been made in that regard since the State party's accession to the Convention in 1984.

9. She wondered whether there were plans to align the Constitution with more recent legislation, such as the Equal Opportunities Act, in order to expand the prohibited grounds for discrimination to cover, among others, age, marital status and sexual orientation, and whether the State party intended to eliminate constitutional provisions that protected discriminatory laws against non-Mauritians, which could disproportionately affect women migrant workers. She welcomed the establishment of a national mechanism for reporting and follow-up and asked whether it was responsible for monitoring the implementation of human rights legislation. Lastly, she wondered whether the State party collected data disaggregated by sex or gender and, if so, whether such information could be provided so

as to enable the Committee to assess the situation of women in the State party and, in particular, in Rodrigues and the other islands.

10. **Ms. Jeewa-Daureeawoo** (Mauritius) said that the Government was taking steps to address the lack of gender-disaggregated data, including by seeking technical assistance and strengthening national capacities to collect, analyse and disseminate statistical data. For instance, workshops and train-the-trainer sessions had been held for relevant stakeholders and an action plan had been devised with the aim of creating a new system for gathering data on violence against women and children. She trusted that the Government would soon have the statistics necessary to improve the situation of women in Mauritius. Lastly, it was envisaged that the national mechanism for reporting and follow-up would monitor the application of legislation and the implementation of recommendations of the treaty bodies.

11. **Ms. Goordyal-Chittoo** (Mauritius) said that, since the bill on gender equality was still being drafted, the suggestion to include provisions aimed at ensuring the Convention was incorporated into national law would certainly be considered. There were no plans at the present time to expand the definition of discrimination in the Constitution, since the prohibited grounds of discrimination were well established in legislation such as the Equal Opportunities Act. Indeed, complaints of discrimination relating to the private sector could be brought under that Act. With respect to article 16 (4) (c) of the Constitution, which concerned personal status issues such as marriage and divorce, the Government had previously established a commission to assess the impact on women of the Muslim personal status laws. However, the different schools of Islamic thought had not reached a consensus on what was a sensitive issue. Further study and consultation were therefore required.

12. It was not possible to provide a time frame for revision of the Constitution. Issues such as the removal of the provisions under section 16 (4) that the Committee considered discriminatory were very sensitive. However, her Government would take account of the Committee's comments in that regard. There were no plans as yet to incorporate the grounds for discrimination set forth in legislation such as the Equal Opportunities Act and the Equal Employment Act into the Constitution; the legislation was deemed to address those forms of discrimination adequately.

13. The national mechanism for reporting and follow-up met once a month. It covered not only the State's obligations to the human rights treaty bodies but also dealt with the Human Rights Council universal periodic review. It also monitored progress achieved under the National Human Rights Action Plan.

14. **Ms. Schulz** pointed out that the fact that section 16 of the Constitution did not cover the private sector meant that victims of discrimination in that sector had no constitutional redress. With regard to access to justice, she said that, although the report mentioned that training in the Convention was provided to legal professionals, she could see no reference to further training or capacity-building to increase gender awareness within the justice system generally.

15. The Committee was concerned about the high rate of women in pretrial detention. Did the State party plan to step up its use of alternative, non-custodial measures for women, particularly those accused of non-violent offences? She wondered whether there were any measures in place to speed up the processing of such cases in order to cut the length of pretrial detention.

16. With regard to access to justice, she said that she would be interested to know whether, in the event that a conciliation procedure in the Equal Opportunities Commission was unsuccessful and the Commission itself did not refer the matter to the Equal Opportunities Tribunal, a complainant was able to apply to the Tribunal or some other court in her own right. She noted that the latest report of the Commission available on its website dated from 2014. She would appreciate information on the Commission's activities in respect of discrimination against women in the intervening period.

17. **Ms. Halperin-Kaddari**, referring to the lack of consensus in the Muslim community in respect of the impact on women of the Muslim Personal Law, as promulgated in accordance with section 16 (4) of the Constitution, asked by what means

the Government had attempted to reach consensus. Who had been consulted and had women, particularly women religious leaders, been involved in the process?

18. **Ms. Jeewa-Daureeawoo** (Mauritius), replying to a question from **Ms. Chalal**, said that her delegation would investigate why the National Human Rights Commission report had not been received by the Committee.

19. **Ms. Goordyal-Chittoo** (Mauritius) said that it was possible that the lack of any reference to the Convention in Equal Opportunities Commission decisions reflected a lack of knowledge on Commission members' part. The delegation would take note of that point and ensure proper dissemination of the Convention. In general, however, the legal profession and the judiciary received training on human rights issues and the human rights treaty bodies. Indeed, in February 2018, Committee member Ms. Narain had contributed to training in the Convention and further refresher courses in the Convention were planned.

20. Pretrial detention was one of the issues addressed in the Police and Criminal Justice Bill, which was now under consideration in the Attorney General's Office following the period of consultation. Individuals could not apply directly to the Equal Opportunities Tribunal; where conciliation failed, it was for the Equal Opportunities Commission to make a referral subject to the complainant's consent. She would look into the missing Commission reports referred to by Ms. Schulz and ensure that they were published in timely fashion.

21. Women had been involved in the review of the Muslim Personal Law; indeed, the Muslim Family Council had been chaired by a female senior attorney since November 2016. The Commission of Muslim Jurists, in existence from 1981 to 1987, had, in the course of its deliberations, sought expert advice from a consultant from Saudi Arabia. However, the Commission had been dissolved before the consultant's report had been completed.

22. **Ms. Jeewa-Daureeawoo** (Mauritius), replying to a question from **Ms. Chalal**, said that she would provide written information concerning the funding of the Equal Opportunities Commission.

23. **Ms. Schulz** said that she was still not clear about whether, if the Equal Opportunities Commission did not wish to refer a case to the Equal Opportunities Tribunal, the woman taking the proceedings could herself apply to the Tribunal. If not, could she apply to some other court to assert her rights?

24. **Ms. Goordyal-Chittoo** (Mauritius) said that there were numerous avenues for a claimant wishing to pursue a case further other than the Equal Opportunities Commission: she could, for example, seek redress under section 17 of the Constitution, apply to the Office of the Ombudsman, seek judicial review or bring a civil case.

25. **Ms. Schulz** said that she wished to be clear: as she understood it a female employee in the private sector had no redress against her employer under the constitutional provisions on prohibition of discrimination. Was that correct?

26. **Ms. Goordyal-Chittoo** (Mauritius) said that section 16 of the Constitution referred only to the public sector. Private-sector employees were covered by the Equal Opportunities Act. They could also complain to the Ministry of Labour, Industrial Relations and Training or the Industrial Court.

27. **Ms. Rana** said that she would like to know what rank and decision-making authority the head of the Gender Unit in the Ministry of Gender Equality, Child Development and Family Welfare had. She would welcome some information on the human and financial resources allocated to the Ministry and to the Gender Unit. She asked whether there were gender focal points in all ministries and what mechanisms were in place for collaboration between the Gender Unit and the gender focal points. What was the difference between the Gender Focal Points and the Gender Cells set up by the National Steering Committee on Gender Mainstreaming and where were the gender cells located?

28. She would appreciate more information about the composition of the Women Empowerment Centres. She would also be interested to know more about the National Women's Council: were its members independent experts, was the recruiting process

transparent, and were there any plans to make the Council an autonomous body? Similarly, she would welcome information about the composition of the Equal Opportunities Commission and its recruitment procedure. Lastly, she said that she would appreciate receiving details of the "various partners" referred to in the report in connection with the national machinery for the advancement of women.

29. **Ms. Haidar** said that she wished to recall that the purpose of temporary special measures under article 4 (1) of the Convention was to help States parties to move from de jure to de facto gender equality. She noted that the Equal Opportunities Act, although it reproduced large sections of the Sex Discrimination Act, had dropped the provision on the adoption of temporary special measures. She would like to know whether the Gender Equality Bill would restore that provision. She also wondered what efforts would be made to increase the understanding of temporary special measures in the State party. Were there any plans to apply temporary special measures to areas such as education and employment as a means of addressing vertical segregation, notably for women from vulnerable groups who were subject to intersectional discrimination?

30. **Ms. Jeewa-Daureeawoo** (Mauritius) said that the gender focal points had been introduced in 2017 in five ministries as a pilot project. Given their success, the Prime Minister had agreed to provide budget resources to allow them to be set up in all ministries. They provided the ministries with technical assistance in implementing the provisions on gender equality.

31. The partners referred to in the report were a mixture, drawn from the private sector — banks and companies, for example — and civil society.

32. Temporary special measures were a tricky area as, despite the constitutional provisions on gender equality, the law did not permit positive discrimination. Her delegation would take due note of the Committee's comments and look into ways of using temporary special measures to complement measures already in place.

33. **Mr. Appadoo** (Mauritius) said that the head of the Gender Unit had the same rank as other heads of unit in the Ministry of Gender Equality, Child Development and Family Welfare. The National Steering Committee on Gender Mainstreaming comprised various ministry gender focal points, bringing them together in regular meetings chaired by the Minister of Gender Equality, at which the gender focal points reported on the action taken to implement sectoral gender policies and mainstreaming strategies.

34. The National Gender Policy Framework of 2008 was currently being revised with the aid of a consultant. Consultations were being held with stakeholders in order to make the Framework more responsive and to bring it into line with the Sustainable Development Goals. There were gender cells in each ministry, comprising senior administrators and the chairs of gender focal points.

35. The Ministry of Gender Equality, Child Development and Family Welfare and the Parliamentary Gender Caucus had carried out an evaluation of the national gender machinery in 2013. The mandate of the national gender machinery was very broad, technical capacity for gender mainstreaming was lacking and resources were not available to provide for additional staff, regular capacity-building and training. The European Union had provided assistance, but more was required. New legislation had clarified the role of the National Women's Council. Women's centres were spread around the island and were under the purview of the Council. Efforts were being made to make the centres more dynamic and the women's associations more attractive to young women.

36. **Ms. Jeewa-Daureeawoo** (Mauritius) said that the allocation of budget resources to each ministry for gender policies increased annually. Where resources for a particular project were insufficient, additional funds were available on application.

37. **Ms. Goordyal-Chittoo** (Mauritius) said that the Equal Opportunities Commission was composed of a Chair and three other members. The Chair must have at least 10 years' experience as a judge, a magistrate or a law practitioner. One of the three members must have at least five years' experience as a law practitioner, while the other two members must have experience in the field of law, employment, industrial relations, sociology or

administration. The members were appointed by the President on advice from the Prime Minister following consultations with the leader of the opposition.

38. **Ms. Rana** said that she wished to know whether the State party envisaged elaborating a comprehensive national action plan for the advancement of women.

39. **Ms. Haidar** said that the persistence of gender stereotypes in Mauritius called for the implementation of temporary special measures. Such measures did not disrupt the balance established by the Constitution, since they were limited in time; they were not a form of charity but rather of entitlement for women.

40. **Ms. Chalal** asked whether Rodrigues Island was represented on the four regional committees affiliated to the National Women's Council.

41. **Mr. Appadoo** (Mauritius) said that the Government recognized the need for a comprehensive action plan for the advancement of women and would address that objective under the review of the National Gender Policy Framework. Legislation had been passed in 2016 to repeal the National Women's Council Act of 1985 and to provide a framework to promote women's empowerment and gender equality. The board of the Council was elected by different regional associations, conferring a high degree of autonomy on its members. Rodrigues also had an association and elected a representative to sit on the Council.

42. **Ms. Jeewa-Daureeawoo** (Mauritius) said that the Government would consider the Committee's suggestion regarding temporary special measures.

43. **Ms. Acar** asked whether the Government intended to evaluate measures it had introduced to eliminate stereotypical attitudes and to combat violence against women, which appeared ineffective in the face of entrenched social norms that tolerated domestic violence in the State party. If so, could the Government provide a timeline for such an evaluation? She asked whether the Government would consider extending the scope of the Protection from Domestic Violence Act to cover not only persons of the opposite sex but also other partners and not only physical, emotional and sexual violence but also economic abuse. It was the victims of domestic violence rather than the perpetrators who had to leave their homes after obtaining a protection order. She asked whether the Government would introduce a victim-sensitive system under which the victim was protected in the comfort of her home.

44. Moreover, victims of abuse who turned to the police were faced with attempts to reconcile the woman and her abusive spouse, thereby putting her at risk of further domestic violence. That practice was contrary to the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19. She would like to know how the Government was addressing the urgent matter of women being killed while under protection.

45. She also wished to know whether it would increase the number of shelters and ensure that they were accessible. Was the Government planning to withdraw the partial support it provided to the current shelters, leaving them funded solely by civil society organizations and the private sector, and what impact would such withdrawal have? Stays in shelters were limited in time. She asked what happened when domestic violence victims had reached that time limit. It was not clear whether the women were expected to return home or were supported through counselling, income-generating activities and skills development training for their overall empowerment.

46. She would like to know what percentage of the national budget was allocated to combating gender-based violence against women. The incidence of domestic violence had increased recently, while reporting of such violence, and prosecution of reported cases, had declined. She would welcome the Government's comments on that situation and on its proposals for protection and prosecution in all cases of domestic violence. Noting that the Government intended to study the accuracy of the police classification of domestic violence offences, she asked whether the police was skewing the statistics by recording those offences as assault or aggravated assault. When did the Government intend to introduce laws expressly criminalizing marital rape and corporal punishment?

47. **Ms. Gabr** asked what difficulties the Government had encountered in the application of the Combating of Trafficking in Persons Act of 2009. She said that she would like to know whether the State party had adopted the "4P" approach to combating trafficking, involving protection, prevention, prosecution and partnership. She would appreciate further information on the mandate, composition and resources of the Interministerial Committee on Trafficking in Persons. It was not clear whether it was a standing or an ad hoc committee. What were the central features of the national action plan on trafficking in persons and which body would be responsible for its implementation? She wished to know if the action plan would include the establishment of shelters, as foreseen under the Act of 2009, and measures for the rehabilitation of victims. She wondered whether Mauritian law covered migrant workers in the construction industry and if not, why not. No victims had applied for compensation under the Act, as the process was slow and cumbersome. She would like to hear the delegation's comments on that issue.

48. The Committee would be grateful for further information on the extent of female prostitution. She wondered why prostitutes were subject to penalties while clients went unpunished. She asked whether the Government had measures in place to protect the children of prostitutes, who were easily targeted by traffickers; whether there were programmes to help prostitutes wishing to leave prostitution; and whether the State party, as a transit country, was considering entering into regional or bilateral agreements to end prostitution.

49. **Ms. Jeewa-Daureeawoo** (Mauritius) said that there was at present no system in place to analyse the effectiveness of the measures taken to combat domestic violence. All three shelters in Mauritius were run by non-governmental organizations (NGOs), with additional funding from the Government. Support was given to domestic violence victims in the shelters to help them return to society. Where a victim who had filed charges was unable to return home, the victim could apply for an occupation order. The victim's welfare and safety and the best interests of the child were always given priority. The Interministerial Committee on Trafficking in Persons was a standing committee.

50. **Mr. Appadoo** (Mauritius) said that resources were devoted to the implementation of the activities put in place by the Government to eliminate discrimination against women, and that scant capacity remained for evaluation mechanisms. There was a domestic violence information system installed at the family support bureaux, and a separate system under which the police recorded cases reported to them. Attempts to bring the two systems together to give a full picture had not yet borne fruit. Mauritius would welcome the assistance of the Committee in the field of data-collection and monitoring. Support was given to women victims to help them return to society, and participatory needs assessments had recently been conducted to determine their precise needs. However, the scale of those initiatives was inadequate and efforts must be made to enable women to achieve economic independence so as to avoid returning to a violent relationship.

51. The Government had adopted a protection, prevention, prosecution and partnership approach to combating the commercial sexual exploitation of children, and a coordination mechanism had been established to enable the Ministry of Gender to collaborate with other ministries. A shelter for child victims was in place and provided care and support for integration into society, in cooperation with NGOs.

52. **Ms. Jeewa-Daureeawoo** (Mauritius) said that marital rape was criminalized under the Criminal Code. The Protection from Domestic Violence Act had been amended in 2016 to include any conduct or act, sexual or otherwise, from which the spouse or the other person had the right to abstain. However, the Government was currently examining the question of marital rape in the wider context of a general review of sexual offences. Corporal punishment was prohibited in Mauritius, and the Ministry sent a circular reminder to schools at the start of each term. Programmes on the Convention on the Rights of the Child were carried out in schools. Immediate action was taken if cases of corporal punishment were reported to the authorities. The Government was also reaching out to families, especially in rural areas, encouraging them to use dialogue and communication in place of corporal punishment.

53. **Ms. Acar** said that an express law on marital rape would send a clear message to society. She also would like an answer to her question concerning the percentage of the national budget allocated to the prevention of violence against women.

54. **Ms. Gabr** said that she would be grateful for a reply to her question about the Interministerial Committee and the national action plan on trafficking in persons. Did the Government envisage regional and bilateral cooperation on efforts to end prostitution?

55. **Ms. Chalal** said that a law expressly prohibiting corporal punishment should be enacted.

56. **Ms. Schulz** said she would welcome clarification with regard to the remarks made by the Chair of the Commission on the Prerogative of Mercy on the release of a man convicted of rape by a Mauritian court. Once freed, the man had committed another violent crime. When questioned by journalists concerning the Commission's decision to grant the prisoner freedom, the Chair had answered that the Commission had not received full information on the case; he had then proceeded to cast doubt on the truth of the victim's claim that she had been raped. She asked whether the Government would take measures to ensure that the Commission would never again take a decision without full information, how it assessed the explanations given by the Chair of the Commission and whether it shared the opinion that the Chair's viewpoint exemplified a stereotypical attitude towards victims of sexual violence.

57. **Ms. Goordyal-Chittoo** (Mauritius) said that the decrease in prosecutions for domestic violence offences was partly due to victims' unwillingness to pursue cases once they had been brought before the courts. Perpetrators of domestic violence could be prosecuted under the Criminal Code as well as the Protection from Domestic Violence Act for offences such as assault.

58. There had been some difficulties in implementing the Combating of Trafficking in Persons Act and, until recently, traffickers had been prosecuted under the Child Protection Act instead. Nonetheless, progress had been made and three court cases for trafficking offences under the Act were currently under way. The Interministerial Committee on Trafficking in Persons had been established by the Cabinet of Ministers in 2015, after Mauritius had been placed on the tier 2 watch list in the Trafficking in Persons Report 2015 of the United States Department of State. The Committee, chaired by the Attorney General, had brought together a number of stakeholders, including the Office of the Director of Public Prosecutions, the police force and a number of government ministers, to take stock of the situation regarding human trafficking. The Ministry of Defence and local authorities in Rodrigues had been tasked with preparing a national plan of action for combating trafficking in persons, which would be published in the near future, covering issues such as the rehabilitation of victims and the provision of shelters. The Ministry was also in the process of preparing a leaflet entitled "Know Your Rights" to raise awareness among potential trafficking victims, especially migrant workers. The Government had refurbished a disused building in the area of Vacoas for use as a shelter for trafficking victims. The delegation had taken note of the expert's remarks concerning the regional and bilateral agreements in combating human trafficking and would transmit them to the relevant authorities. The Commission on the Prerogative of Mercy would decide on the appropriate action to be taken concerning the remarks made by its Chair. She was unable to comment further on the matter at the present time.

59. **Ms. Jeewa-Daureeawoo** (Mauritius) said that the budget for the promotion of family welfare and addressing gender-based violence had seen a steady increase. Requests by the Ministry of Gender Equality, Child Development and Family Welfare for modest budget increases, to recruit more staff for implementation programmes, for example, were often accepted. NGOs that ran shelters for domestic violence victims were provided with capitation grants.

60. **Ms. Acar** said that it would be helpful, for both the Committee and the State party, to have concrete figures on the national budget allocations for combating gender-based violence.

61. **Ms. Jeewa-Daureeawoo** (Mauritius) said that figures would be transmitted to the Committee within the next 48 hours.

Articles 7 to 9

62. **Ms. Haidar** said that the representation of women in local government had dramatically increased owing to the requirement for parties to field a minimum of one third of candidates of either sex under the Local Government Act. However, women continued to be underrepresented in senior government positions and there had been a marked drop in the representation of women in the National Assembly in the period 2010–2018. She would like to know whether the Government would consider extending the quota system in place at the local level to the national level, for both the legislative and executive powers. Pointing out that the exclusion of women from key leadership positions had an adverse impact on achieving sustainable development and social justice, she wondered whether the Government would introduce effective measures to ensure equal representation of men and women in Government and public life and to promote the advancement of women to top positions in both the public and private sectors. She would be interested to learn whether the State party intended to tackle gender stereotypes by, for example, showcasing prominent female role models in politics and business. She would appreciate further information on the representation of women in the diplomatic service, particularly at the ambassador level. How many female ambassadors were there and what was the ratio of men to women? Lastly, she would be grateful for information on women's involvement in the Truth and Justice Commission established in 2009 to conduct inquiries into slavery and forced labour during the colonial period.

63. **Ms. Ameline** said that she commended the State party on its commitment to the 2030 Agenda for Sustainable Development and the empowerment of women as tools to address the challenges facing the country, such as violence, poverty, inequality and climate change. She encouraged the State party to develop cross-cutting strategies and to forge partnerships with stakeholders in the public and private sectors, using the 2030 Agenda as a road map, in order to meet its obligations under the Convention. She would appreciate further details on the plans to use the Sustainable Development Goals to achieve gender parity across all levels of society.

64. **Ms. Jeewa-Daureeawoo** (Mauritius) said that the number of women registered to vote had risen and women now accounted for more than half of the voting population, which highlighted the need to tackle the underrepresentation of women in Parliament. A ministerial report on electoral reform had been circulated in September 2018 examining various aspects of the electoral system and making proposals aimed at enhancing women's participation in Government. She hoped that the proposals would be brought before Parliament in the near future.

65. Many women held key positions in the public sector and occupied just under half of permanent and deputy permanent secretary posts. By contrast, few women served on boards of directors or as chief executive officers in the private sector. In response, the Government had introduced the new Code of Corporate Governance in 2017, which highlighted the importance of gender diversity on company boards. The Government was aware of the need to provide more incentives to private companies to boost women's participation.

66. **Ms. Goordyal-Chittoo** (Mauritius) said that a female ambassador occupied the post of Secretary for Foreign Affairs, and the High Commissioner in Australia and consul in Mumbai were women. Although male ambassadors outnumbered female ones, more than half of the officials in the diplomatic service as a whole were women. Furthermore, one of the senior commissioners of the Truth and Justice Commission was a woman.

67. **Ms. Jeewa-Daureeawoo** (Mauritius) said that the National Women's Council and the National Steering Committee on Gender Mainstreaming would be used as platforms to achieve the Sustainable Development Goals.

68. **Ms. Verges**, noting that legislation on nationality had been revised to give men and women the equal right to transmit their nationality through marriage, said that women nonetheless faced obstacles and delays in the administrative process that men did not. She would appreciate information on the current state of affairs in that regard. She would be interested to know what measures had been taken to accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

69. **Ms. Goordyal-Chittoo** (Mauritius) said that the Constitution guaranteed equal rights for married women and men in acquiring or changing their nationality. Marriage of a Mauritian woman to a non-national did not result in the woman losing her nationality and foreign husbands of Mauritian women were eligible to apply for citizenship.

70. **Ms. Chalal** said that, in 2015, the Committee on the Rights of the Child had expressed concerns about reported cases of persons whose birth had not been declared owing to lack of communication and lengthy procedures regarding late registration, especially in the case of declaration after 45 days from birth (CRC/C/MUS/CO/3-5, para. 33). She would like to know what further measures the State party might take to ensure communication between the competent authorities and families to facilitate late registration and to speed up the procedures.

71. **Ms. Goordyal-Chittoo** (Mauritius) said that the tardy declaration procedure allowed births to be registered after the statutory 45-day period. The Ministry of Gender Equality, Child Development and Family Welfare was working with the Attorney General's Office to speed up the procedure.

72. **Ms. Jeewa-Daureeawoo** (Mauritius) said that hospitals informed parents of the legal requirement to register births within 45 days. Hospitals also provided leaflets containing further information on the registration process. Where the Ministry was notified of a birth that had not been registered, it endeavoured to contact either the child's parents or the hospital where the child had been born to ensure that the birth was registered.

Articles 10 to 14

73. **Ms. Chalal** said that, in spite of the commendable progress made on access to education, regional disparities continued to exist in terms of quality of teaching, literacy rates and infrastructure. According to alternative sources, there was only one secondary school in the Agalega Islands, located on the north island. Students living on the south island had to cross the sea by boat and often missed school due to bad weather. Since there were two primary schools — one in the north and one in the south — she would be interested to learn why such a disparity existed in terms of the level of education. Given that many children left school without being able to read or write, she wondered whether any mechanism was in place to assess the school system and whether any study comparing the quality of teaching on the islands of Mauritius and Rodrigues.

74. Noting that absenteeism among girls increased from 13 per cent at primary school level to 17 at secondary school level, according to data from 2017, it would be useful to know what measures had been implemented to tackle the problem. She asked whether any study had been carried out to pinpoint its root causes and, if so, what conclusions had been drawn. While incentives had been introduced to encourage girls to pursue subjects relating to science, technology, engineering and mathematics (STEM), girls continued to be underrepresented in those areas. She wondered whether the State party might adopt temporary special measures such as offering more scholarships to girls who wished to study those fields. Given that boys outnumbered girls at university level, it would be helpful to have up-to-date information on the number of women in positions of responsibility in universities. She enquired whether the State party intended to take measures to ensure that migrant women and girls had access to education.

75. The country's sexual and reproductive health curriculum required strengthening at all levels of education, especially as the high rates of teenage pregnancy suggested that the existing programmes were not having the desired effect. She wished to know whether the State party planned to make sexual and reproductive health education mandatory with a view to preventing early pregnancies and to ensure that teachers were well trained in that area. Although the law did not prohibit girls from returning to school after giving birth, they were often discouraged for fear of stigmatization. She would be interested to hear what incentives the Government could introduce to encourage those girls to return to school and complete their studies. She asked whether the Government would improve sanitation facilities by, for example, ensuring separate toilet facilities for boys and girls in all schools.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1642

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Seventy-first session

Summary record of the 1642nd meeting
Held at the Palais des Nations, Geneva, on Tuesday, 30 October 2018, at 3 p.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Mauritius (*continued*)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Mauritius (*continued*) (CEDAW/C/MUS/QPR/8 and CEDAW/C/MUS/8)

1. *At the invitation of the Chair, the delegation of Cyprus took places at the Committee table.*

Articles 10 to 14 (*continued*)

2. **Ms. Acosta Vargas** said that the Criminal Code amendments that had decriminalized abortion in certain circumstances marked a considerable advance for women's reproductive rights. However, the reform should be supported by significant awareness-raising efforts if access to safe abortion without discrimination was to be guaranteed for all women. With that consideration in mind, she would like to know what efforts had been made to ensure that women were aware of the legislative changes and could access legal abortion irrespective of where they lived; whether any new health-care protocols had been established to ensure appropriate care for women seeking an abortion, including any protocols addressing the specific needs of young women under the age of 18 years old; and whether any research had been carried out to ascertain the prevalence of clandestine abortion. Disaggregated statistics on the number of terminations that had been performed in public and private health-care facilities since the legislative reform would also be appreciated.

3. Noting with concern that maternal mortality remained higher than would normally be expected in a middle-income country, at around 50 deaths per 100,000 live births, and that the rate of teenage pregnancy also remained worryingly high, she invited the State party to share details of its plans for reducing both figures. Given the alarming fact that the prevalence of HIV/AIDS had not fallen in the past decade, despite huge — and successful — efforts to eliminate mother-to-child transmission, she wondered whether the Government had assessed the efficacy of the National HIV and AIDS Action Plan in reducing infection and whether any new plan was in the pipeline.

4. **Ms. Eghobamien-Mshelia**, referring to paragraph 83 of the State party report (CEDAW/C/MUS/8), said that she would appreciate clarification as to whether the Employment Rights Act had been revised to eliminate contradictory provisions that had enabled employers to withhold maternity benefits from women who had been in their posts for less than 12 months and to ensure that a change of employment did not result in the forfeiture of entitlements.

5. With regard to wage structures, she would like to know to which body the National Remuneration Board was accountable; whether trade unions were represented among its members; what mechanisms the Board used for negotiating with stakeholders; whether pay scales in the private sector were comparable to those applied in the public sector; and, if so, why the public sector remained so much more attractive to women workers. It would be interesting to know in that connection how the new minimum wage addressed inequalities in the private sector, especially in manufacturing, and whether any tax relief or other form of incentives were in place to encourage private sector employers to bring their policies and practices more closely into line with the principles of the Convention.

6. Wage structures in the agricultural sector were a particular source of concern. The differential rates of remuneration applied in the sugar and tea industries in particular appeared discriminatory and unjustified, confining female agricultural workers to the lower paid, lower skilled jobs in the agricultural value chain. She would appreciate an explanation as to the legal, cultural or historical factors at the root of that situation. It would also be useful to know how agricultural wages in Mauritius compared with equivalent wages globally. Lastly, she invited the delegation to provide more detail about the work of the newly formed unit set up to protect the rights of migrant workers in Mauritius, known as the Flying Squad. How many inspections did the unit make annually and why was the number of complaints recorded so low?

7. **Ms. Jeewa-Daureeawoo** (Mauritius), responding to questions asked during the previous meeting (CEDAW/C/SR.1641), said that she had visited the Agalega Islands in 2017 to take stock of existing infrastructures and services and see how they might be improved. The visit had prompted a number of measures and more would be introduced. For example, the Ministry of Education had been asked to send a secondary school teacher to the south island so that the 60 secondary students living there would no longer need to travel to the north island to attend school. There were also plans to build libraries on both islands.

8. Statistics on absenteeism revealed no significant differences between boys and girls at either the primary or secondary school level. A tendency to stay at home during the third term in order to revise for exams had however been noted among secondary school pupils — a tendency that the Ministry of Education had addressed by introducing a minimum 80 per cent attendance requirement for pupils wishing to sit exams and benefit from reduced examination fees. Teenage mothers were permitted to resume school after delivery and were offered backup support, including psychological assistance. All children on all islands had access to free education until the age of 16 years and there was no difference in quality and availability from one island to another.

9. Although there was no specific gender equality training programme for teachers, training programmes for primary and secondary teachers covered citizenship and values education and those modules had been compulsory components of the teaching diploma since 2005. A module on human rights would be offered for primary school teachers as an elective course of study as of 2019. Gender inequality in contemporary society was also addressed in a module on social institutions and social change.

10. Conscious of women's underrepresentation in tertiary education, the Tertiary Education Commission had introduced a special research support scheme for women offering financial assistance of up to $5,000 over three years. It was hoped that the scheme would bring more qualified women into active research and create role models to inspire others.

11. **Ms. Goordyal-Chittoo** (Mauritius), responding to questions about refugees and asylum seekers raised at the previous meeting by Ms. Chalal, said that it was important to note that Mauritius was not a party to any of the international instruments concerning refugees, asylum and statelessness and that it had no law providing for the award of refugee status. However, it endeavoured to process applications received on a humanitarian, case-by-case basis. The Government had never been asked to provide schooling for the children of refugees or asylum seekers but, should the need ever arise, it would ensure that the children concerned could attend school for the duration of their stay in the country.

12. The Ministry of Health and Quality of Life ran campaigns to raise awareness of women's reproductive rights, including the right to terminate an unwanted pregnancy, in antenatal clinics and secondary schools. Statistics showing the number of patients treated in Government hospitals due to complications following abortion could be found in paragraph 103 of the periodic report. She was not aware of any research into backstreet abortions, nor of any specific care protocols for women seeking abortions, but she would endeavour to find out if any existed. Under section 30 of the Employment Rights Act, female employees were entitled to 14 weeks' maternity leave irrespective of length of service.

13. In determining wage structures, the National Remuneration Board was guided by the principles set out in the Employment Rights Act and in the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100). The wage differentials found in certain sectors of activity were determined not by discriminatory criteria but by the nature of work to be performed, the skills and qualifications required, and capacity. In the sugar and tea industries, the wage differentials reflected the different tasks allocated to men and women and were reinforced by statutory limitations on the assignment of certain tasks to women.

14. **Mr. Appadoo** (Mauritius), sharing with the Committee a few figures on HIV/AIDS in Mauritius, said that the statistics revealed little change in the overall number of persons living with HIV/AIDS. Around 1 per cent of the adult population (approximately 5,400 men and 1,130 women) was infected, and drug injection was by far the main cause, accounting for 44.3 per cent of cases. Female sex workers accounted for around 15 per cent of cases. A total of 1,341 AIDS-related deaths had been recorded as of December 2017. On the positive side, treatment to prevent mother-to-child transmission was now near universally accessible

to HIV-positive pregnant women — a marked advance on the 68 per cent access rate recorded in 2009 — and the transmission rate had been reduced to zero.

15. The availability of antiretroviral drugs had also improved, following the adoption of new protocols based on World Health Organization treatment guidelines. As of June 2017, just short of 5,000 persons living with HIV/AIDS were enrolled in care programmes. Of that number, almost 4,000 were receiving antiretroviral treatment. The goal was to have 90 per cent of persons living with HIV/AIDS under antiretroviral treatment programmes by 2021. Post-exposure prophylaxis treatment was also available and protocols were in place to prevent stock shortages.

16. **Ms. Acosta Vargas** said that the Committee would appreciate figures covering all terminations of pregnancy performed in the country, not just those that had resulted in complications. She was concerned to note an apparent disparity between the social and economic aspects of the country's development: while the economy grew, social indicators, and thus the living conditions of the poor, seemed to be falling behind. It was for that reason that she sought reassurance that the State party had sufficient internal resource redistribution mechanisms to guarantee adequate health-care services in Rodrigues Island, the Agalega Islands and other remote regions. She would also like to know whether specific health-care services, including psychological support, were available for women and girls affected by gender-based violence.

17. **Ms. Chalal** asked whether women and girls with disabilities had access to educational programmes suited to their needs and what measures have been adopted to ensure that was the case.

18. **Ms. Eghobamien-Mshelia** said that it was still not clear what measures were being taken to address the fact that women in the agricultural sector tended to be paid less than men. The Committee had not yet received a response to the questions concerning the effectiveness of the Flying Squad in protecting the rights of migrant workers, how the Squad handled violations of those rights and whether it kept a register of complaints filed by such workers. It was also still unclear why acts of sexual harassment were underreported and why the agency responsible for dealing with complaints was so sluggish in responding to them.

19. **Mr. Appadoo** (Mauritius) said that health-care services were extended free of charge to all members of the public through regional hospitals and dispensaries established across the country. Victims of domestic violence were given medical care and psychological and other support by social workers in hospitals. A referral mechanism had been established with the police and the health services to ensure that victims received the necessary counselling, legal advice and assistance with filing applications for protection orders from the available services of the Ministry of Gender Equality, Child Development and Family Welfare.

20. The Ministry of Labour, Industrial Relations and Training had registered complaints, filed by migrant workers, relating to the termination of employment, underpayment of wages and other matters.

21. Children with disabilities had access to the same services as other children and also certain specific benefits, including the Basic Invalidity Pension and reimbursement of travel expenses such as bus fares for journeys by parents accompanying their children to and from school or taxi fares for students with severe disabilities. The Employees Welfare Fund offered persons with disabilities loans for assistive devices and modifications of their accommodation. Persons with disabilities had access to respite care programmes for their carers and free physiotherapy and hydrotherapy sessions. They enjoyed tax exemptions for the purchase of specially adapted vehicles. There were a number of programmes to promote the participation of persons with disabilities in sporting and artistic activities.

22. **Ms. Jeewa-Daureeawoo** (Mauritius) said that the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development was responsible for promoting and protecting the rights of persons with disabilities and ensuring that all government projects and programmes took them into account. When the current Government had been elected in 2014, it had taken steps to ensure that not only children with disabilities aged 15 and older but also those under 15 were entitled to receive the Basic Invalidity

Pension. In so doing, it had corrected an injustice that had been in place for more than 40 years.

23. **Ms. Bethel** said that, according to the common core document (HRI/CORE/MUS/2016, para. 88), the poverty line had been set at 6,200 Mauritian rupees (MUR) per household per month. According to alternative sources, however, the newly established Social Register of Mauritius employed a poverty threshold of around MUR 2,000 per month, which was too low to give an accurate reflection of poverty in Mauritius. In its opening statement to the Committee, the delegation had stated that a monthly subsistence allowance, based on a minimum threshold of MUR 9,200 per month, was made available to families of two adults and three children through the Social Register of Mauritius. In view of those conflicting figures, the Committee would be grateful if the delegation would identify the correct poverty indicator used in the State party and comment on the claim that the poverty threshold used by the Social Register of Mauritius was too low and did not accurately reflect the level of poverty in the State party.

24. The Committee would welcome further information on the programmes implemented by the National Empowerment Foundation to provide support for vulnerable women, including women heads of households, women with disabilities and Creole women living in poverty. She wished to know whether a mechanism for monitoring those programmes was in place and whether an assessment of their impact had been carried out.

25. Noting that the Poverty Observatory had been established in 2015 as a permanent mechanism for addressing the needs of vulnerable groups, she would appreciate hearing about the measures taken by the Observatory that had been most successful in empowering women economically and socially. The Committee would welcome further information on the functioning of the Marshall Plan on poverty alleviation and how it was expected to empower women. She wondered whether the Government had carried out an evaluation of the impact on poor families of the corporate social responsibility policy, in accordance with which private companies contributed to the development of the country by paying 2 per cent of their profits to social and environmental programmes.

26. She would be grateful for information, supported by statistics, on the extent to which the country's social housing homeownership programmes had provided vulnerable and middle-income women and families with affordable housing. Noting that the Committee on Economic, Social and Cultural Rights had urged the State party to ensure that the vulnerable population on Rodrigues Island had affordable access to a water supply and hygienic living conditions (E/C.12/MUS/CO/4, para. 26), she asked what the Government had done to follow up on that recommendation. The Committee would welcome further information on the difference between the functions of the National Women's Council and the National Women Entrepreneur Council and the ways in which they furthered women's rights and worked towards the eradication of poverty.

27. **Ms. Hofmeister** said that she wished to know what was being done to help rural women overcome isolation and inequalities in respect of access to decent wages and jobs, public transport, housing, landownership and inheritance rights under the law. She would appreciate an account of the impact that the historical status of Creole women had on their current situation and rights. The delegation might provide further information on the living conditions of Creole women and girls and describe what steps were being taken to ensure that they were fully included in all aspects of political and social life. She would appreciate it if the delegation could clarify what it meant by the term "culture of giving".

28. Lesbian, bisexual, transgender and intersex persons experienced particularly high levels of discrimination. According to alternative sources, over 60 per cent of such persons had been subjected to discrimination, exclusion, hate speech or abuse in the home, at work or in the public sphere. Under the State Party's Criminal Code, homosexuality was criminalized as sodomy and bestiality and no provisions were made for same-sex marriages. In view of that situation, she asked what measures would be taken to ensure that lesbian, bisexual, transgender and intersex persons were accepted and respected and what awareness-raising activities would be carried out to change the attitudes of the public towards them. Would information on homosexuality be included in the school curriculum for children aged between 10 and 15 years?

29. **Ms. Jeewa-Daureeawoo** (Mauritius) said that it was important to ensure that economic growth was accompanied by advances in the social protection and equal treatment of vulnerable groups, including women, children and older persons. In order to achieve that goal, all the projects announced under the budget for 2018/19 had been designed to ensure that urban and rural areas would be provided with the same infrastructure and facilities. Through community centres and women's centres in rural and isolated areas, the Ministry of Gender Equality, Child Development and Family Welfare conducted regular information-sharing sessions with local residents. It also used ambulatory health units to provide women with information on women's rights, gender equality and measures put in place to combat domestic violence. Where the allocation of housing was concerned, account was taken of the needs of women living alone and divorced women living with children. Widows were entitled to receive a widow's pension.

30. **Mr. Appadoo** (Mauritius) said that the Social Integration and Empowerment Act (2016) had been adopted to integrate and empower persons living in poverty through the Social Register of Mauritius. Under the Act, eligible persons entered into a social contract with the Ministry of Gender Equality, Child Development and Family Welfare that granted them access to social support, subsistence allowance schemes and other empowerment programmes. Under the contract, households received conditional cash transfers in exchange for ensuring that children met a certain level of school attendance or passed certain examinations, among other conditions. In order to follow up on the implementation of such measures, participating households were visited regularly by officers of the National Empowerment Foundation.

31. The National Women's Council was responsible for fostering the empowerment of women and gender equality by promoting their active participation in social, economic and political life while the National Women Entrepreneur Council provided established women entrepreneurs with training and access to trade fairs to enable them to promote their businesses.

32. **Ms. Goordyal-Chittoo** (Mauritius) said that differences in the wages earned by men and women workers in the agricultural sector should not be viewed as discriminatory as they were based on the inherent requirements of the jobs concerned and were reinforced by statutory limitations on the assignment of tasks to women.

33. The Marshall Plan on Poverty Alleviation sought to reduce poverty through subsistence allowances, support for education and the construction of new housing units. The National Corporate Social Responsibility Foundation under the Ministry of Social Integration and Economic Empowerment had been set up to help vulnerable individuals and families registered with the Social Register in a number of priority areas. The Minister of Housing and Lands had established a national housing programme for 2015–2019 that provided for the construction of 10,000 new housing units for households earning less than MUR 20,000 per month. The Government had also established a grant scheme to promote the construction of housing units by low-income families who owned land. As at April 2018, some 56,000 families had benefited from that scheme

34. The Equal Opportunities Act, the Employment Rights Act and the Employment Relations Act all recognized the notion of sexual orientation. Members of the lesbian, bisexual, transgender and intersex community who had a grievance concerning hate speech or discrimination were guaranteed access to recourse under the Equal Opportunities Act. The Government was considering undertaking a review of the provisions on bestiality and sodomy contained in the Criminal Code.

35. **Ms. Hofmeister** said that she wished to know what was being done to ensure that women and girls with disabilities could live a life free from violence, benefit from personal care assistance and have better access to employment and inclusive schooling. She wondered what measures were being taken to provide persons with disabilities with interpreters when they appeared in court and to improve the accessibility of public buildings and transport.

36. In view of the fact that selling sex was illegal, she wondered how sex workers and prostitutes were treated by the State party. It would be interesting to learn what steps were being taken to improve the health care provided to persons with HIV/AIDS, to prevent transmission of HIV and to combat homophobia, exclusion and the stigmatization of persons

with HIV/AIDS. Lastly, she asked what was being done to ensure that women could act as agents against climate change and become involved in action plans aimed at reducing the risks associated with disasters, in accordance with the Committee's general recommendation No. 37 (2018).

37. **Ms. Bethel** said that it was still not clear what poverty threshold was used for the Social Register of Mauritius or whether that threshold accurately reflected poverty levels in the State party. In view of the fact that, in the common core document, the State party had claimed that certain persons lacked the motivation required to empower themselves through the various opportunities and programmes made available (HRI/CORE/MUS/2016, para. 94), she asked what would be done to address the structural poverty affecting those persons and how the State party would find a way to facilitate their economic empowerment. Lastly, she asked how the Marshall Plan on Poverty Alleviation interfaced with the Poverty Observatory and whether an assessment of the impact of the corporate social responsibility policy had been carried out.

38. **Ms. Goordyal-Chittoo** (Mauritius) said that the Government was committed to implementing the Convention on the Rights of Persons with Disabilities, which had been ratified in 2010. A steering committee under the aegis of the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development was examining ways of implementing that Convention and the concluding observations issued by the Committee on the Rights of Persons with Disabilities following its meeting with the delegation of Mauritius. The Ministry was also taking steps to raise awareness of that Convention to ensure that the Government complied with its obligations.

39. Transport costs were covered or refunded for parents accompanying their children with disabilities to school and for students with severe disabilities attending courses at local universities. Other disability benefits included a carer's allowance and a disability pension, which had been extended in July 2016 to cover children under 15 years of age. Assistive devices were supplied free of charge.

40. The Social Aid Act had been amended to provide for additional, special allowances for children with high support needs. The Child Protection Act, the Protection from Domestic Violence Act and the Family Protection Act all covered persons with disabilities, while the Training and Employment of Disabled Persons Act had been amended in 2012 to place emphasis on the need to educate employers on the importance of hiring persons with disabilities and of contributing to the removal of barriers and prejudices in that regard. Employers with 35 or more workers were required to ensure that persons with disabilities accounted for at least 3 per cent of their workforce. In addition, the Training and Employment of Disabled Persons Board had adopted a series of innovative strategic measures to raise awareness among employers and establish a network with other training institutions.

41. Corporate social responsibility was a concept whereby companies acted to balance their own economic growth with the sustainable social and environmental development of their areas of operation. A company performing highly in corporate social responsibility was one that went beyond compliance with the legal framework to pursue positive outcomes both for the local community and in terms of its environmental footprint. The Government had established a policy with the overall objective of mandating registered companies to pay 2 per cent of their book profits towards programmes that contributed to the social and environmental development of the country.

Articles 15 and 16

42. **Ms. Halperin-Kaddari** said that, as she understood it, Muslim couples who failed to civilly register their marriage were left in a legal void in which no court had jurisdiction in the event of a marital dispute. Many women consequently found themselves in a distressing state of vulnerability, with no recognition of their property rights. Noting that, between 1982 and 1987, the Civil Code had provided a minimum level of protection for women's rights, including by making the registration of marriage mandatory and prohibiting polygamous and child marriages, she asked why the relevant provisions were not reintroduced as an interim solution while more comprehensive personal status laws were developed.

43. She would appreciate detailed information on the situation of persons, in particular women, who were living in de facto unions, as they reportedly enjoyed no protection of their financial and property rights and received no guidance on determining child custody arrangements, while their children were generally not recognized or accorded inheritance rights. She would also welcome an indication of whether the State party would consider amending domestic provisions that allowed children aged 16 to 18 years to marry with parental consent.

44. She had been impressed, when reading the Divorce and Judicial Separation Act, by its provisions regarding a periodic payment tool that listed several criteria to be borne in mind by courts when ordering periodic payments, including future earning capacity and the number of dependants. However, under section 254 (1) of the Civil Code, the spouse considered to be at fault for a divorce was required to make maintenance payments to the other spouse, with the result that women could lose their right to periodic payments. She wished to know how the Government reconciled that provision with the Divorce and Judicial Separation Act and with the Committee's general recommendation No. 29, on article 16 of the Convention, concerning the economic consequences of marriage, family relations and their dissolution.

45. She was concerned by the growing tendency within the State party's judiciary to ignore the need to protect women victims of domestic violence, especially in the context of child custody proceedings. Noting that divorce mediation was compulsory under Mauritian law, she asked whether safeguards were in place to ensure that women victims of domestic violence were not compelled to face their abusers and whether and to what extent complaints of domestic violence were taken into account when determining child custody arrangements.

46. **Ms. Goordyal-Chittoo** (Mauritius) said that many couples married under the Muslim Personal Law were also civilly married. At any rate, marriages registered with the Muslim Family Council were recognized by law, and there had always been the possibility of registering past religious marriages under section 74 of the Civil Status Act. An analysis of the jurisprudence of national courts showed that Muslim religious customary rules governing the celebration and dissolution of marriage had been recognized prior to the entry into force of the Act. It would therefore be incorrect to state that, because such rules had not yet been codified, a Muslim religious marriage that had not been civilly registered could not be legally recognized. Article 228-10 of the Civil Code established that, subject to the registration requirements laid down in the Civil Status Act, articles 228-1 to 228-9 of the Code applied to all religious marriages, including those celebrated prior to the promulgation of those articles.

47. In the past, the Supreme Court had ruled that the purpose of the reform introduced to Mauritian marriage law since 1982 had been primarily to provide for a single marriage system for all, with the exception of persons of the Muslim faith, who could opt to marry in accordance with Muslim rites. It had gone on to state that any religious marriage ceremony performed in relation to Muslims who did not wish to be governed by civil law was subject to articles 228-1 to 228-10 of the Civil Code and that a marriage was either civil — in other words, performed by a civil status officer — or religious with civil effect.

48. Section 74 of the Civil Status Act provided that parties to a religious marriage celebrated prior to the entry into force of the Act could make a joint declaration for registration, and that one of the parties could do so if the other refused, had died, or was otherwise unable to make the declaration.

49. **Ms. Jeewa-Daureeawoo** (Mauritius) said that the child of a couple in a de facto union had the same rights and obligations as a legitimate child, provided that his or her birth was declared to the Civil Status Division by both parents. If the birth was declared by the mother only, in the event of the couple separating, the mother would not be able to sue for alimony.

50. Under Mauritian law, divorce could be granted on the basis of a fault committed by one of the parties or on the grounds that the couple had been separated for more than five years. In the case of fault divorce, it was incumbent on the petitioner to prove some wrongful act by the respondent. Where there was no fault on the part of the respondent, the petitioner was presumed to be at fault and was required to provide for the respondent.

51. **Ms. Halperin-Kaddari** said that it was clear that the option of civilly registering a marriage was available. However, her understanding was that section 74 of the Civil Status Act related only to marriages celebrated before 1981. She would be interested to know the current legal implications of not civilly registering a religious marriage and whether the State party would consider introducing a law that made the civil registration of marriages mandatory. The delegation might comment on the existing possibility for the father of a child born from an unregistered religious marriage to avoid responsibility for child support payments by simply refusing to acknowledge the child as his own.

52. **Ms. Goordyal-Chittoo** (Mauritius) said that, for a Muslim marriage to have force of law, it had to be registered with the Muslim Family Council. It was not possible for the Council to know when a marriage had not been registered.

53. **The Chair**, speaking in her capacity as an expert, asked why the State party did not make the civil registration of marriages mandatory.

54. **Ms. Goordyal-Chittoo** (Mauritius) said that the question of whether to make such registration mandatory was one of policy, but that, in any case, couples always had the possibility of registering their marriage with the Muslim Family Council.

55. **Ms. Jeewa-Daureeawoo** (Mauritius) said that, in the context of divorce proceedings related to a civilly registered marriage, a finding of fault against the woman would not prevent her from requesting support payments for any children born from the marriage.

56. Pursuant to article 144 of the Civil Code, the marriageable age in Mauritius was 18 years. However, article 145 of the Code established an exception for minors aged 16 to 18 years who had the consent of their parents, of one parent exercising parental authority or, failing that, of a judge in chambers, provided that the granting of consent was deemed to be in the best interests of the child. Her personal view was that persons under 18 years of age were children and should be protected accordingly. The issue of child marriage would be addressed in the Children's Bill, the main objective of which was to ensure respect for the best interests of the child.

57. The Government acknowledged that there was still progress to be made in eliminating all forms of discrimination against women. Nevertheless, it was on the right track, despite inherent challenges and constraints. She and her delegation were keen to learn from the Committee and from the experiences of other States parties and, with that in mind, the Government was committed to continuing its close collaboration with the Committee.

The meeting rose at 5 p.m.

United Nations CEDAW/C/SR.1643

Convention on the Elimination of All Forms of Discrimination against Women

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Seventy-first session

Summary record of the 1643rd meeting
Held at the Palais des Nations, Geneva, on Wednesday, 31 October 2018, at 10 a.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of Tajikistan

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of Tajikistan (CEDAW/C/TJK/6; CEDAW/C/TJK/Q/6 and CEDAW/C/TJK/Q/6/Add.1)

1. *At the invitation of the Chair, the delegation of Tajikistan took places at the Committee table.*

2. **Mr. Rahmon** (Tajikistan), introducing the sixth periodic report of Tajikistan (CEDAW/C/TJK/6), said that the policies adopted by his Government in implementation of the Committee's previous recommendations included a national strategy on promoting the role of women for the period up to 2020, amendments to the Land Code to ensure that men and women had equal access to land, and the introduction of a quota for the enrolment of girls from rural areas in higher education.

3. In order to ensure that the importance of the Committee's recommendations was properly understood, more than 300 outreach events had been conducted for staff of ministries, departments and local authorities; lawyers and the judiciary; and members of civil society. Vocational training curricula also covered gender-related themes such as discrimination against women.

4. The definition of discrimination given in article 1 of the Act on State Guarantees of Equal Rights for Men and Women and Equal Opportunities in the Exercise of Such Rights was identical to the one set forth in article 1 of the Convention. Moreover, the Criminal Code established liability for both direct and indirect discrimination on the basis of gender. Separate legislation to deal with all forms of discrimination was currently being prepared and would cover direct and indirect discrimination in more detail.

5. The capacity of the Committee on Women and the Family, which implemented policies to promote women's role in public and political life and to protect the family, had been strengthened. Staffing had been increased by 112 posts and the 2018 budget was 35 per cent higher than the 2013 budget. An expert body had been set up by that Committee to carry out gender analysis of draft legislation and had examined more than 20 items. The Committee itself had prepared and submitted draft policies to the Government, including the State programme for the prevention of domestic violence 2014–2023, the State programme for the education, selection and placement of talented women and girls in leadership positions 2017–2022 and the national plan of action on the implementation of Security Council resolutions 1325 (2000) and 2122 (2013).

6. Temporary special measures were systematically adopted in order to speed up the transition to de facto gender equality. One such measure was the educational quota for rural girls, which had enabled over 600 girls to enrol in higher education in 2018. Another was a system of extra points for women applicants taking part in the competitive examinations for civil service posts. In addition, the State awarded between 40 and 80 grants annually to encourage women entrepreneurs; the total amount awarded over the years was equivalent to around $2 million.

7. There were no specific strategies on the elimination of stereotyping, but relevant measures were included in policy documents such as the conceptual framework for family development, the national strategy on promoting the role of women and the State programme for the prevention of domestic violence. The Government had reached out to local communities, women, non-governmental organizations (NGOs) and spiritual leaders to spread the message that domestic violence was unacceptable and to emphasize that parents had a responsibility to remove obstacles to girls' education and to prevent early marriage; failure to ensure that girls attended school was a criminal offence. Information was systematically disseminated through the media on issues of gender equality, women's and children's rights and the registration of marriage.

8. Stricter measures had been taken to prevent violence against women, including the criminalization of all forms of violence against women, including violence between spouses. Under new provisions of the Code of Administrative Offences that had been

introduced to reinforce the law on the prevention of domestic violence, police were authorized to apply individual preventive measures where necessary. His Government maintained regular statistics on violence against women, which were made widely available. In addition to the statistics to be found in the State party's report, he wished to inform the Committee that since 2014 the Ministry of Internal Affairs had brought 927 cases and drawn up 2,681 protocols in respect of administrative offences, while the courts had dealt with 660 criminal cases related to violence or discrimination against women.

9. Sexual harassment in public places was covered by the Code of Administrative Offences unless extortion, violence or sexual coercion was involved, which would entail criminal liability. A nationwide survey, aimed at obtaining representative data on the subject for the whole country, was currently being conducted by the Statistics Agency with the support of the United States Agency for International Development (USAID), the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF).

10. Measures to combat human trafficking included ensuring that the country's population was employed, notably under the State programme to promote employment 2016–2017, which in 2017 alone had helped over 24,000 women to find work. Pimping was a criminal offence, but prostitution and the purchase of sexual services were administrative offences. An article had been added to the Criminal Code to penalize the production or sale of pornographic material containing images of children.

11. Since 2014, 129 cases related to human trafficking, involving 201 individuals, had been brought before the courts, and the corresponding legal decisions had been taken. An agreement on cooperation to combat human trafficking had been concluded with the other States members of the Commonwealth of Independent States.

12. Free legal aid was available to victims. Women victims of trafficking were entitled, if they so chose, to attend vocational training courses financed by the State. In the case of child victims, education was required to be provided and assistance with further studies was also available.

13. In order to boost women's participation in public and political life, the plan of action to implement the national strategy on promoting the role of women had set the goal of equal gender representation in the executive and legislative branches of government. That would be achieved through measures such as the State programme for the education, selection and placement of talented women and girls in leadership positions and the special provision for women applicants for civil service positions. At the Sarvar training centre for women, for example, 378 girls had completed leadership courses over the last five years.

14. The civil service issued quarterly statistics showing the progress made in women's representation in the various sectors of State activity. Among numerous other advances made, he pointed out that the head of the executive office of the President was a woman, as were the heads of the Committee on Women and the Family, the Committee on Language and Terminology and the Statistics Agency.

15. As to girls' and women's access to education, he said that the number of girls who elected to continue their education beyond the compulsory nine years of schooling had risen consistently, as mentioned in the State party's report. Of particular note was the increase in the number of girls studying mathematics, science and technology.

16. Efforts were being made to expand women's employment and close the pay gap between women and men. One way to support women was to grant them microcredit to encourage entrepreneurship: in 2016, over 150,000 women had received such loans. In addition, agricultural loans helped prevent discrimination against women in rural areas: although the overall percentage of agricultural workers who were women was on the decline, having fallen from 50 per cent in 2012 to 40 per cent currently, the number of women running smallholder farms had increased fivefold since 2012, with over 30,000 of the country's 170,000 smallholdings now run by women.

Articles 1 to 6

17. **Ms. Manalo**, noting that all forms of discrimination, including discrimination against women, were prohibited under the Constitution and laws of Tajikistan, said that she would like to know whether the Government planned to introduce a definition of direct and indirect discrimination against women into national legislation. She wondered what measures the Government had in place to prevent and eliminate indirect discrimination against women.

18. She asked what mechanisms were used to regularly monitor and evaluate the implementation of gender equality legislation and programmes. Could the delegation provide some examples of the findings of such evaluations? In addition, she would like to know which items of legislation had been analysed by the expert body set up by the Committee on Women and the Family to conduct gender analyses of draft legislation.

19. She would like to know how many cases had been brought between 2014 and 2017 under article 143 (1) of the Criminal Code, which criminalized the violation of citizens' legal rights, including on grounds of gender.

20. **Ms. Ameline**, commending the State party on the creation of its digital platform on the country's international human rights obligations, said that she would like to know what measures would be taken to ensure that the Committee's concluding observations were given full visibility and made available, in particular, to civil society. The Committee was keen to see real and effective participation by civil society and women's rights NGOs in the implementation of the Convention. It was concerned, however, that the regulations governing NGO activities might restrict their ability to express themselves in that regard. She would appreciate the delegation's assurance that the State party was willing to consider the views of civil society, particularly organizations working in the area of women's rights.

21. She wondered whether the mandate of the Ombudsman and the Bureau for Human Rights and the Rule of Law was to be strengthened, particularly in respect of women's rights.

22. The Committee was concerned about the independence of the judiciary and particularly about the law on the rights and duties of lawyers, which appeared to curtail the right to a defence. She would welcome assurances that the State party could guarantee that justice professionals would receive adequate training in order to ensure the effective application of the Convention.

23. Given the vital importance of social inclusiveness for the promotion of women's rights, she would like to know whether the new law on discrimination would take due account of the rights of ethnic, cultural, sexual and religious minorities.

24. **Ms. Kosimzoda** (Tajikistan) said that a working group had been set up to improve the legal framework for the elimination of gender stereotyping and the prevention of domestic violence. The working group consisted of three subgroups. The first subgroup looked at ways of combating gender stereotyping; the second, which reported to the Ministry of Justice, dealt with the protection of women's rights; and the third, which reported to the Office of the Prosecutor-General, focused on the prevention of domestic violence. Those groups had examined more than 50 items of legislation with a view to eliminating gender stereotypes, upholding women's rights and preventing domestic violence. In addition, the Committee on Women and the Family worked closely with 23 NGOs on the implementation of the State programme for the prevention of domestic violence.

25. In 2013, Tajikistan had been elected to the United Nations Commission on the Status of Women for the 2014–2018 period. Since 2014, the Government had instigated a wide range of measures to promote gender equality and eliminate discrimination. For example, it had drawn up national action plans to implement the recommendations issued by the Committee in 2014, launched a plan to implement Security Council resolutions 1325 (2000) and 2122 (2013) on women and peace and security, and ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The year 2015 had been designated the "Year of the Family" in Tajikistan. Further government strategies had been adopted to expand the role of women in Tajikistan and to

promote women's entrepreneurial activities, including the allocation of grants for that purpose.

26. **Ms. Hasanzoda** (Tajikistan) said that the country's development strategy provided for the monitoring and assessment of progress towards gender equality on the basis of quantitative and qualitative indicators, which had been devised in partnership with the United Nations Development Programme, with funding from Switzerland. A biennial statistical compendium containing data disaggregated by gender was produced by the Statistics Agency with the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women); the next edition would be issued in December 2018. Future editions would be expanded to incorporate data on the Sustainable Development Goals, and a new programme for 2018–2023 to improve gender-based statistics had also been established. Gender-disaggregated data on agricultural smallholdings were posted regularly on the Statistics Agency website in three languages. Public health data were also available on the website. A population profile containing gender-disaggregated data was published annually, and was now also disaggregated by age and locality. A report published annually on the website contained gender-disaggregated information on the progress made in eight different areas, including the number of women in political and public life, the number of women who received grants and the number of women heads of agricultural smallholdings.

27. Regarding the Sustainable Development Goals, which the Government was incorporating into all its policies, Tajikistan had made the elimination of social inequalities a national priority for the period up to 2030, and its efforts in that regard were further supported by a medium-term programme up to 2020. The Government sought to promote inclusive development and eliminate gender inequality through policies to ensure equal opportunities and prevent violence against women.

28. **Mr. Rahmon** (Tajikistan) said that no criminal charges concerning violations of the right to equality had been filed during the reporting period.

29. **Ms. Manalo** asked why the policies adopted by the State party to eliminate gender inequality and discrimination had proved difficult to implement effectively. Which obstacles remained insurmountable and which had been overcome?

30. **Ms. Ameline**, noting that in March 2018 the State party had renewed its commitment to its partnership and cooperation agreement with the European Union, asked whether the new European Union strategy for Central Asia, with its focus on human rights and civil society participation, could be used to accelerate the State party's adoption of a comprehensive law on discrimination. She would like to know what measures the Government would take to combat impunity in cases of violence against women and to ensure that victims, especially those who lived in rural areas or belonged to vulnerable groups, were aware of the relevant laws and had access to justice.

31. **Mr. Sattorzoda** (Tajikistan) said that in 2014, 23 persons had been charged with violence against women; in 2015, 15 persons had been charged, 14 for violence against women and 1 for violence against a child; in 2016, 67 persons had been charged, 62 for violence against women and 5 for violence against children; and in 2017, 88 persons had been charged, 69 for violence against women and 19 for violence against children. The figures showed that the judiciary was fully independent of the executive branch, in accordance with article 9 of the Constitution.

32. **Ms. Hasanzoda** (Tajikistan), responding to the question on protection of the rights of minorities, said that the 2010 census indicated that Tajikistan was a multi-ethnic and multilingual country. Eighty-four per cent of the population consisted of Tajiks, 49 per cent of whom were women. As at 1 April 2017, the total number of civil servants stood at over 18,000 persons, of whom 92 per cent were Tajiks, 0.1 per cent were Russians, 6.6 per cent were Uzbeks, 0.8 per cent were Kyrgyz and 0.1 per cent were of other ethnic backgrounds. Members of minority ethnic groups were also serving as members of parliament. The figures showed that discrimination on the grounds of ethnic origin, age or gender was not an issue. The next census was scheduled for 2020.

33. **Ms. Song** asked whether the expert body on gender analysis established within the Committee on Women and the Family in 2015 was responsible for gender analysis of national policies and programmes to ensure that gender issues were fully reflected and women's needs accommodated. If that was not the case, which institution was responsible for that action? She would like to know if there was an institution at the provincial level to undertake gender analysis of local laws, policies and programmes. Noting the increase in the human and financial resources allocated to the Committee on Women and the Family, she asked whether all staff concerned had been given training on gender equality and on the Convention and whether the effect of the budget increase on the overall situation of women in Tajikistan had been evaluated. She would also like to know if there was a programme in place to ensure gender sensitivity among all civil servants.

34. The strategy of the Ombudsman's Office for 2016–2020 established gender equality as a priority area. She would welcome the State party's comments on information received from alternative sources indicating that the Ombudsman was not planning to carry out any activities on gender equality. She asked whether the Ombudsman was mandated to receive complaints of discrimination against women and, if so, how many such complaints had been received so far, and how they had been resolved.

35. **Ms. Nadaraia** said that temporary special measures were not being used to protect women's rights in the agricultural sector or the legislative sector, or to protect the rights of vulnerable women, to promote employment of women in the civil service or to involve women in decision-making. She would like to know what steps the Government was taking to strengthen the application of temporary special measures in those fields; whether the Government planned to provide better opportunities for women to become elected representatives; whether the concept of temporary special measures was provided for under national law; and whether the mechanisms for applying temporary special measures were defined in the country's strategic development planning documents.

36. **Ms. Kosimzoda** (Tajikistan) said that the Act on State Guarantees of Equal Rights for Men and Women and Equal Opportunities in the Exercise of Such Rights included a definition of discrimination. Under the national strategy on promoting the role of women, the Government was working with representatives of civil society to attract more women to the civil service.

37. Under the State programme for the prevention of domestic violence in Tajikistan, 33 crisis centres and 3 shelters had been established in various hospitals and clinics in regions and towns around the country. There were also clinics that offered counselling and medical assistance. In collaboration with the Organization for Security and Cooperation in Europe (OSCE), the Government had organized training courses on domestic violence that had consisted originally of 20 hours of training but had been extended in 2016 by a further 16 hours. On completion of that training, participants could take a second course, run by the Ministry of Internal Affairs, on the prevention of human trafficking. A further project with OSCE was intended to promote gender sensitivity in the investigation and prosecution of domestic violence and the protection of victims, with the creation of 14 posts of inspector, to be filled by women. Lastly, in 1997 the Government had established a system of quotas to promote the enrolment of girls from rural areas in higher education, and it allotted 2 million somoni per year to fund grants to women entrepreneurs.

38. **Mr. Rahmon** (Tajikistan) said that the Committee on Women and the Family played a role in developing legislation. In addition to its review of 20 draft bills during the reporting period, the Committee had monitored the implementation of laws. It had also played a role in the Government's decision to award grants to support women's entrepreneurship. In the 2017–2018 period, the Committee had discussed the implementation of State programmes and strategies, including the strategy on promoting the role of women and the State programme for the prevention of domestic violence for the period 2011–2023.

39. **Ms. Hasanzoda** (Tajikistan) said that the Government had adopted temporary special measures to eliminate discrimination against rural women, with a view to ensuring that they had equal access to health care and to agricultural loans. The agricultural reform programme promoted equal opportunities for men and women in the agricultural sector. In

2018, of the 164,000 smallholdings registered by the Government, 31,000 were headed by women, which represented an increase of more than 500 per cent since 2012. Under the national strategies in place, particular priority was given to reducing social inequality through mechanisms to promote the involvement of women, especially rural women, in public life. Measures had been adopted to encourage women to study engineering, mathematics and the sciences, and to raise their awareness of the laws on discrimination.

40. **Mr. Alizoda** (Tajikistan) said that the 2016–2020 strategy being carried out by the Office of the Ombudsman gave priority to gender issues, including the prevention of domestic violence. All information on the activities of the Human Rights Ombudsman and the Children's Rights Ombudsman was posted on the Office's website. All activities were monitored and reported, and the reports were posted on the website. Fifty-two per cent of the complaints received by the Ombudsman were lodged by women. Three complaints of domestic violence had been received in the first nine months of 2018. The complaints had been monitored and appropriate decisions had been taken. The Ombudsman was developing a national strategy for the protection of human rights, with gender issues as a priority. The strategy was being developed with the participation of NGOs, and should be completed by the end of 2018.

41. **Ms. Song** asked whether the Committee on Women and the Family, in monitoring the implementation of laws, had identified any major gaps in the legislation and, if so, what follow-up measures had been adopted to address those gaps.

42. **Mr. Rahmon** (Tajikistan) said that draft legislation was submitted to the Committee for review, and was then returned to the Government, which took the Committee's comments and suggestions into account.

43. **Ms. Gabr** said that stereotypes and practices harmful to women were widespread, in spite of the plethora of programmes and initiatives introduced by the Government. She wondered whether the national development strategy for the period up to 2030 included specific actions to tackle such stereotypes and practices or whether the State party intended to develop more focused strategies in that area. If so, she would like information on their goals, time frame and budget and on the role of the Committee on Women and the Family. She asked what campaigns to raise awareness of gender stereotypes would be launched in the media and in partnership with government agencies and religious leaders, particularly in rural areas.

44. The problem of domestic violence persisted in spite of the law on prevention of violence enacted in 2013. Part of the reason was that violence was socially accepted; she highlighted the fact that, according to alternative sources, 97 per cent of men and 72 per cent of women in the country believed that violence should be tolerated in order to keep families together. Awareness-raising measures and education were therefore essential as a means of changing attitudes. In that connection, she wondered what training was offered to those responsible for enforcing the law, including prosecutors, police officers and judges. She would appreciate information on the compensation awarded to women victims of violence and on the legal assistance provided to them. She would also welcome additional details on shelters for women victims of violence. Lastly, she would like to hear more about the removal of gender stereotypes from school textbooks.

45. **Ms. Jahan** said that trafficking in women and girls continued to pose a major challenge despite measures such as the Trafficking in Persons and Victim Assistance Act of 2014. She would be grateful for information on existing anti-trafficking legislation, policies and programmes. She wished to know, in particular, whether they incorporated a gender perspective and took into account the needs of actual and potential trafficking victims. The anti-trafficking law of 2014 was not being effectively enforced, as the required complementary legislation on support for victims had not been adopted; she would welcome an explanation as to why that was the case and what arrangements, including shelters, were currently in place to assist trafficking victims.

46. She would be interested in learning what efforts had been made to bring anti-trafficking legislation, and in particular the definition of trafficking, more into line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized

Crime. She wondered whether bodies such as the specialized unit to combat human trafficking had adequate financial and human resources and whether their mandates reflected a gender perspective. According to alternative sources, the national referral mechanism had not yet been implemented, leaving officials without a procedure for identifying victims and referring them to the appropriate services. She would like to know what measures were being taken to enhance capacity-building and training for law enforcement and judicial authorities to enable them to identify trafficking victims and to investigate and try cases in a gender-sensitive manner. In the light of reports from alternative sources highlighting endemic corruption and even complicity in trafficking offences by State officials, it would be useful to know whether any such officials had been prosecuted.

47. The Committee was concerned about the fact that, although prostitution was not a criminal offence, women in prostitution could face administrative sanctions, including fines or administrative detention. Alternative sources had reported that cases of extortion by police officers had increased since 2015, when the penalties applicable to sex workers had been toughened. She would welcome information on plans to decriminalize prostitution and remove all administrative and other penalties. She invited the delegation to describe any efforts undertaken to suppress the demand for prostitution, including an update on the status of the bill that would penalize men who employed the services of sex workers. She enquired whether any assessment had been or would be conducted to determine the potential impact of such a law on the situation of women in prostitution. What action had been taken to provide alternative employment opportunities to women who wished to leave sex work?

48. **Mr. Rahmon** (Tajikistan) said that, according to the data available to the delegation, between 2016 and 2018 a total of 140 persons had been prosecuted in 105 criminal cases related to human trafficking, in which over 70 per cent of the victims were women; the guilty parties had been convicted. Only administrative, and not criminal, sanctions were imposed in prostitution cases.

49. **Ms. Hasanzoda** (Tajikistan) said that the national development strategy for the period up to 2030 incorporated the international obligations of Tajikistan and covered a number of areas, including tackling the gender gap through improved policies to ensure equal opportunities; preventing all forms of violence against women and girls; developing institutional mechanisms to implement gender equality; and enhancing gender sensitivity among staff in all branches of government. All ministries and authorities were involved in pursuing the strategy, and the Ministry of Economic Development and Trade was responsible for monitoring its implementation using a series of indicators.

50. Courses on domestic violence had been organized for staff of the Ministry of Internal Affairs. They covered various topics to ensure that staff were equipped to tackle and prevent such violence. Measures were being taken to provide legal, medical and psychological assistance to domestic violence victims. Since the fact that most police officers were men deterred many women from reporting incidents of domestic violence, positions for 14 female domestic violence inspectors had been created as part of a project to encourage women victims to come forward. Special offices had been set up in maternity hospitals and other health-care centres to assist victims of domestic violence, most of whom were women and children. Complaints received were investigated by the police and special inspectors, and both criminal and administrative legal proceedings concerning domestic violence had been brought under the Criminal Code and the Code of Administrative Offences, respectively.

51. **Ms. Manalo** said that she would like to know how many women had been provided with State-funded legal aid in court cases involving domestic violence between 2014 and 2017. It would also be helpful to know how many victims had been awarded compensation by the courts for psychological and physical harm caused by domestic violence. Had any mechanism been developed by which to prosecute perpetrators of psychological and economic violence?

52. **Mr. Rahmon** (Tajikistan) said that a broad legislative framework was in place to prevent human trafficking. Amendments to that framework were being drafted in

collaboration with the International Organization for Migration. A number of subsidiary laws to combat trafficking and assist victims were in the process of adoption. Under the national plan to combat human trafficking for the period 2016–2018, 34 support centres had been established, where victims were provided with social, psychological and material assistance. The law on prostitution was being reviewed and the Government would consider any recommendations resulting from that review.

53. **Ms. Hasanzoda** (Tajikistan) said that the Government had achieved a major reduction in poverty over the previous 15 years. The extreme poverty rate had also fallen significantly. A national strategy to combat poverty, which had been introduced in 2013, was aimed at reducing the poverty rate to 15 per cent by 2030 and eradicating extreme poverty by 2020. Low-income families, just over half of which were headed by women, received targeted social assistance amounting to 23 million somoni.

54. **Ms. Kosimzoda** (Tajikistan) said that a series of measures had been put forward under the national plan to combat human trafficking and to prevent prostitution, which constituted one of the root causes of trafficking in persons. Special institutions offered social, medical, legal and psychological support services, among other forms of assistance, to women in prostitution. The Government was working to raise migrants' awareness of their rights under the country's immigration laws. Some victims of human trafficking had been identified at airports and placed in rehabilitation centres, where they received social support, education and legal assistance. Trafficking victims who were not living in rehabilitation centres were provided with legal aid and psychological assistance.

55. **Ms. Jahan** said that it would be helpful to know how many of the 34 support centres were dedicated to female trafficking victims. She would appreciate clarification as to the number of support centres for trafficking victims, given that, according to alternative sources, the last shelter had closed when foreign funding had expired in 2016. She would be interested to hear whether legal aid for victims was conditional upon cooperation with law enforcement agencies in the prosecution process. Noting the stringent administrative sanctions in place for prostitution, she asked what safeguards were in place to ensure that sex trafficking victims did not face penalties for prostitution-related offences.

56. **Mr. Rahmon** (Tajikistan) said that the 34 support centres continued to operate with local and national budget allocations. With financial assistance from the United States of America, the Ministry of Internal Affairs had set up a department to combat trafficking by identifying victims and collecting evidence.

57. **Ms. Gabr** said that she would like to know who would be responsible for implementing the components of the national development strategy that concerned violence against women and gender stereotypes.

58. **Ms. Hasanzoda** (Tajikistan) said that all government ministries were involved in the implementation of the national development strategy. Each ministry was responsible for developing programmes in its specific area, in line with the priorities established under the strategy. All components of the strategy were funded by allocations from the national budget.

Articles 7 to 9

59. **Ms. Nadaraia** said the Committee was concerned to note that women's representation in political and public life remained very low in Tajikistan and that certain barriers, such as negative cultural attitudes and the absence of an adequate quota system, continued to hinder women's participation in political life. She wished to know whether the State party planned to introduce financial or other incentives to encourage the promotion of women to senior positions in political parties and to increase the visibility of women candidates during election campaigns. She wondered what measures had been or would be introduced to combat gender stereotypes in the media; monitor the use of disrespectful or stereotypical language in reference to women, particularly women politicians; and collect specific data on sexism in politics in order to enable the State party to better understand and address the problem. She asked whether any of the steps taken to increase women's involvement in the political sphere had had any impact on their representation in the

diplomatic service. Information on women's participation in the judiciary and in other areas of public life would also be welcome.

60. **Ms. Manalo** said that she was concerned about the number of stateless persons, persons with undetermined nationality and persons at risk of statelessness in Tajikistan, many of whom were women and children. She wished to know what measures were being taken to provide those persons with identity documents and ensure their access to basic services; what stage of consideration had been reached by the amnesty bill aimed at regularizing the status of stateless persons; and what impact the amendment of birth registration laws had had, especially on the stateless population. She would also appreciate information on action taken to ensure that stateless women and children were not subjected to deportation, discrimination or extortion by public officials.

61. **Ms. Kosimzoda** (Tajikistan), providing an overview of the various measures taken to attract women to the civil service and increase women's representation in leadership positions, which were outlined in paragraph 82 of her country's periodic report (CEDAW/C/TJK/6), said that the regulations governing the procedure for filling vacant administrative posts in the civil service now included certain accommodations for women candidates. In addition, a State programme for the education, selection and placement of talented girls and women in leadership positions had been launched, for the period 2017–2022, with the aim of eliminating gender inequality. The Sarvar State training centre also provided leadership courses for girls free of charge, and the Committee on Women and the Family awarded annual grants to talented women students in higher education.

62. **Mr. Sattorzoda** (Tajikistan) said that after the collapse of the Soviet Union, a number of persons living in the jurisdiction of Tajikistan had failed to replace their documents with Tajik passports. An amnesty bill aimed at regularizing the status of stateless persons and foreign nationals unlawfully present in the territory of Tajikistan was currently under consideration.

63. Refugees and asylum seekers had the same rights to education, health and employment as citizens of Tajikistan. With the assistance of the Office of the United Nations High Commissioner for Refugees, which had an office in Tajikistan, a central database had been set up to streamline the process of registering refugees and asylum seekers.

64. **Ms. Hasanzoda** (Tajikistan) said that the registration of births had almost doubled in the period between 2010 and 2017. According to the most recent population census, which had been conducted in 2010, there were some 1,300 stateless persons in Tajikistan. Regarding women in leadership, around 23 per cent of senior posts in the civil service were occupied by women. Moreover, women held high-level positions in regional and local councils, as well as in government ministries, departments and agencies. Overall, the proportion of women in senior and decision-making roles, in both the public and private sectors, was on the increase.

65. **Ms. Ameline** said it was important to ensure that measures aimed at the achievement of gender equality and women's empowerment benefited all women and girls in all areas of life. Women should play an equal role not only in the political domain, but also in the fields of health, education and employment. She therefore urged the State party to accelerate legislative and other measures to foster women's equality and participation in every facet and at every level of public life.

66. **Ms. Hasanzoda** (Tajikistan) said it should be stressed that efforts to promote women's leadership and empowerment were at the heart of the Government's national strategy on promoting the role of women in Tajikistan.

67. **Ms. Manalo** said that she wished to know what proportion of women in the pool of candidates for promotion in the civil service had actually been appointed to senior positions in executive bodies.

68. **Ms. Hasanzoda** (Tajikistan) said that, while more needed to be done to increase women's representation in the parliament, the data provided in the periodic report demonstrated that women now occupied significantly more leadership positions in the

public sector than they had in 2012. Moreover, women were increasingly holding senior posts in the private sector or launching their own entrepreneurial activities.

69. **Mr. Rahmon** (Tajikistan) said that the pool of women candidates was always taken into account in the process of filling leadership positions. It should be noted that women already held high-level positions, including as heads of department, in various public institutions.

70. **The Chair**, speaking in her capacity as an expert, said that she wished to know how many citizens of the former Soviet Union had not been granted Tajik citizenship. Without the necessary identity documents, those persons were essentially rendered stateless.

71. **Mr. Alizoda** (Tajikistan) said that many ethnic Kyrgyz and Uzbek persons who lived in the Tajik border areas had, after the break-up of the Soviet Union, held onto their Soviet Union passports. However, that population group already had Tajik citizenship; the aim of the amnesty bill was simply to provide them with the proper documentation, which they currently lacked.

72. **Mr. Sattorzoda** (Tajikistan) said that those persons should have applied for Tajik passports in 1991, when Tajikistan had achieved independence. Nevertheless, once the bill on amnesty had been adopted and the necessary passports had been issued, the problem would be entirely resolved.

73. **Ms. Hasanzoda** (Tajikistan) said it was true that those persons could currently be considered to be stateless. However, of the 7.5 million persons who had completed the 2010 census questionnaire, only around 1,300 had self-identified as being stateless, and the number of stateless persons had decreased since then.

Articles 10 to 14

74. **Ms. Verges** said she noted that, while basic general education was compulsory in Tajikistan, girls' attendance rates were low, especially in rural areas, and girls' dropout rates in secondary and further education were high. She therefore wished to know what specific measures the State party was taking to enforce compulsory school attendance, particularly for girls; address the causes underlying the high dropout rate; and enable girls who had abandoned their studies to resume and complete their education. She wondered what was being done to encourage women and girls to choose fields of study in which women had traditionally been underrepresented, in particular science, technology, engineering and mathematics; address vertical and horizontal segregation in education, including the overrepresentation of women as preschool teachers; and eliminate gender stereotypes in school textbooks. She asked whether the quota for enrolment in higher education institutions was specifically for girls and whether sexual and reproductive health education was provided in schools. She invited the delegation to comment on reports that girls with HIV/AIDS were barred from studying medicine. Statistical data relating to school dropout and completion rates would also be appreciated.

75. **Ms. Haidar** said that the persistence of negative stereotypes prevented girls from pursuing non-traditional subjects and ultimately had the effect of reinforcing gender segregation in the labour market. For example, women workers were concentrated in sectors such as education and health care. She called on the Government to reconsider its current position and repeal article 216 of the Labour Code, which prohibited the employment of women in physically demanding, underground or hazardous occupations. Women should be able to decide for themselves whether or not they wished to work in such occupations.

76. She wondered whether the delegation could explain the reasons for the alarming decrease in the proportion of women in the labour market, which had fallen sharply between 2013 and 2016. There was an acute shortage of preschool and childcare facilities, especially in rural areas, and that represented a serious impediment to women's employment. She noted with concern that many women worked in the informal sector or performed unpaid care work. She asked how the State party ensured that women working in the informal economy had access to social security entitlements; what measures were envisaged to reduce the gender pay gap, especially in sectors traditionally occupied by women; what steps were being taken to upskill disadvantaged groups of women, such as

women with disabilities, women with multiple children and women heads of household; and how the State party encouraged employers to hire women from vulnerable groups. She would also like to know what action was being taken to protect the rights of women migrant workers.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1644

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
8 November 2018

Original: English

Committee on the Elimination of Discrimination against Women
Seventy-first session

Summary record of the 1644th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 31 October 2018, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of Tajikistan (*continued*)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

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1818354

Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of Tajikistan (*continued*) (CEDAW/C/TJK/6; CEDAW/C/TJK/Q/6 and CEDAW/C/TJK/Q/6/Add.1)

1. *At the invitation of the Chair, the delegation of Tajikistan took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Ms. Chalal**, noting that an increasing number of women in the State party were living with HIV/AIDS, said that she wished to know what measures were being taken to curb the HIV/AIDS pandemic, whether awareness-raising campaigns on prevention of HIV/AIDS were being conducted, what proportion of the budget had been allocated to the national programme to combat the HIV epidemic for the period 2017–2020, whether an assessment of that programme had been conducted and, if so, what trends it had revealed. Alternative sources indicated that women and girls living with HIV/AIDS were subjected to significant levels of discrimination and stigmatization, both in the home and in society, and were prevented by law from adopting or fostering children. She asked whether the Government would consider revising the governmental decree that denied such women the right to motherhood and whether it intended to repeal article 125 of the Criminal Code, which criminalized the transmission of HIV, thus denying women living with the virus the right to engage in sexual relations. It would be interesting to learn whether medical staff were trained to identify women victims of domestic violence who were living with HIV/AIDS and whether a register of such victims was made available.

3. Given that maternal and infant mortality rates remained high in certain sectors of society, she asked what additional measures were being taken to reduce those rates and to improve the quality, availability and accessibility of primary health-care services, particularly in rural areas.

4. The Committee would welcome information on any measures taken to adopt a comprehensive mental health policy and plan of action and to implement mechanisms for investigating reports of abuse of people living with mental illness in mental health facilities and to hold perpetrators accountable, as recommended by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in his report on his mission to Tajikistan (A/HRC/23/41/Add.2).

5. She asked how the national action plan for family planning guaranteed access to sexual and reproductive health care for rural and vulnerable women, how obstetricians and midwives were distributed across the country and how many doctors there were in relation to women of childbearing age. The Human Rights Council had been informed that legal provisions on State funding of mandatory health insurance for specific population groups were not enforced in practice; she would appreciate the delegation's comments on that situation.

6. **Ms. Kosimzoda** (Tajikistan), replying to questions posed at the Committee's preceding meeting with respect to education, said that persons who had not been able to complete their secondary education had the option of doing so through a distance-learning programme, which they could pursue without leaving their jobs. Over 70 per cent of the students currently enrolled in the programme were women. The Centre for Gender Education was responsible for promoting gender equality at all levels of the education system, from the preschool level upward. Concepts pertaining to gender theory were analysed and adapted to the national cultural context. At higher education institutions, students could participate in seminars on gender and study the gender policy of Tajikistan and other related subjects.

7. The Ministry of Education and Science took every possible measure to ensure that young women could complete their secondary education. In 2018, over 73,000 girls had

done so. Of that number, some 6,000 had opted to continue their education at vocational training institutions.

8. The annual presidential quota for higher education, instituted in 1997, was applicable to students from remote areas and included a stipend to help them cover their living expenses. Since 2011 the quota had applied to boys as well as girls; over the previous four years, girls had accounted for 51 per cent of all beneficiaries of the quota.

9. **Ms. Hasanzoda** (Tajikistan) said that every effort was being made to encourage children not enrolled in school to return to school. Currently, there were only 35 such children, including 25 girls, in the whole country. Almost 69,000 women were employed as schoolteachers, and around 3,700 of them were in leadership positions. At the Talent Development Centre established by the Ministry of Education and Science, over 200 students were pursuing a programme aimed at gifted students.

10. The gender parity index stood at 0.93 for grades 1 to 4, 0.93 for grades 5 to 9 and 0.85 for grades 10 and 11. In general, the index tended to be slightly lower in urban areas, where school attendance was monitored more closely than in rural areas.

11. Every year, the Government, private sponsors and non-governmental organizations funded the complete refurbishment of a number of schools. When schools were selected for refurbishment, the main criterion considered was whether the refurbishment plans included the adaptation of the school to the needs of children with disabilities, who made up around 0.7 per cent of the total child population. A national road map for inclusive education for children with disabilities had been established to ensure that such children enrolled in school and received a quality education. In accordance with government policy on inclusive education, children with disabilities were provided with special assistance, and individual education plans were drawn up that took their specific needs into account. Children with disabilities attended either mainstream schools or one of the two special schools established in the country. Around 7,000 such children were enrolled in mainstream schools and, in the 2017/18 school year, around 595 had been educated at home. Around 480 children with disabilities aged between 2 and 7 years attended preschool institutions. Around 270 young persons with disabilities attended vocational schools, where they were trained in accountancy, radio technology, computer science and other subjects. Around 600 students with disabilities were enrolled at higher vocational institutions. Efforts to build new schools and adapt existing schools to the needs of children with disabilities would continue to be made to ensure that as many such children as possible could attend a mainstream school. Some 890 new schools had been built since 2010.

12. In 2016, around 100 additional preschool institutions had been created, bringing the total number to 609. In order to meet the demand for preschool education, 1,000 child development centres had been established that provided teaching and care to over 43,000 preschool children. Around 500 craft circles had also been established for that purpose.

13. Women made up between 60 and 70 per cent of the workforce in the health and education sectors, primarily because those sectors were more likely to offer flexible working hours that enabled women to combine paid work with childcare and other domestic commitments. In recent years, however, an increasing number of women had found work in the manufacturing and food processing sectors. Under the national development strategy, the manufacturing and technology sectors were expected to grow.

14. The gender pay gap, which stood at around 60 per cent, was due mainly to the fact that women tended to work fewer hours and occupy less senior positions than men. Furthermore, wages tended to be lower in those sectors where women were more likely to work. In recent years, the number of women working in the agricultural sector had decreased as more women had opted to work in manufacturing, health care and education. The planned transition from a primarily agricultural economy to a more industrialized, high-technology economy would benefit women, as the newly developed sectors would create new jobs that were not physically demanding.

15. **Mr. Rahmon** (Tajikistan) said that children living with HIV/AIDS received monthly cash payments. In order to prevent the transmission of HIV, children born to HIV-positive mothers were provided with free formula milk for the first 18 months of life.

Training sessions on the prevention of HIV/AIDS, which were also aimed at countering the stigma and prejudice surrounding the illness, were carried out in educational and other institutions. Universal screening for HIV/AIDS had been available for pregnant women since 2011; every year, over 90 per cent of pregnant women were tested for the condition.

16. **Ms. Haidar** said that she wished to know whether persons with disabilities who lost their jobs also lost their entitlement to the disability allowance. In view of the fact that fewer than 2 per cent of mothers in rural areas had access to childcare, she asked what steps were being taken to make childcare more accessible for working mothers. It would be interesting to learn whether the State party would consider introducing temporary special measures to provide competency-based training to women and increase the number of women in management positions. Given that relatively few women were currently employed in the technology sector, she asked whether steps would be taken to encourage more girls to study science and technology.

17. **Ms. Chalal** said that she would welcome an answer to her question as to whether the State party intended to repeal a decree under which HIV-positive women could not adopt or foster children.

18. **Ms. Verges** said that she wished to know whether reports that girls or women who were HIV-positive were not allowed to study medicine in the State party were accurate. She would appreciate a clarification of the figures provided by the State party in respect of school dropout rates and an indication of the percentage of faculty and other positions in higher education occupied by women. Lastly, it would be interesting to know whether efforts had been made in the schools to combat stereotypes about women and girls and whether sex education and reproductive health courses had been made part of general education curricula.

19. **Mr. Rahmon** (Tajikistan) said that persons with disabilities who were unable to work continued to receive benefits and that there were no restrictions on the education of girls who were HIV-positive.

20. **Ms. Hasanzoda** (Tajikistan) said that slightly more than 10 per cent of the senior administrative positions in the country's institutions of higher learning were occupied by women. Moreover, women accounted for just under a third of the faculty members of those institutions, four of which also had female rectors.

21. The 25 girls who had dropped out of school or were otherwise not enrolled represented the entire population of school-age girls not attending school. Girls or women had accounted for slightly more than a third of the students who had enrolled in institutions of higher learning for the 2017/18 academic year; that proportion was higher than in previous years. Girls and women were also enrolled in vocational education. The ratio of female to male students in more technical fields, especially the natural sciences, was increasing by the year. Tajik girls had done well at international mathematics and science competitions, and their performance in those competitions had been celebrated throughout the country.

22. The maternal mortality ratio had fallen from 33.3 per 100,000 live births in 2012 to the current 24.3 per 100,000 live births, a small but encouraging improvement. Women also had improved access to family planning services. The Ministry of Health and Social Welfare, together with donors, had developed plans to launch family planning programmes. It had also done considerable outreach work, including by disseminating the text of the Convention and the Committee's previous concluding observations. Courses on women's rights, including their reproductive rights, had been organized for family doctors. The country's rural areas were a primary target of the authorities' outreach efforts.

23. All pregnant women had access to medical care, including outside normal working hours. In recent years, the percentage of home births, which currently stood at less than 5 per cent, had fallen by more than half. A recent government decision had been taken to improve access to reproductive health care for minors, including minors in at-risk population groups. Thirty-nine per cent of the country's 18,700 doctors were women. Neonatal mortality rates were lower for girls than for boys.

24. **Mr. Rahmon** (Tajikistan) said that there was no decree preventing women living with HIV from adopting children or becoming guardians or foster parents.

25. **Ms. Hofmeister** said that Tajikistan was beset by a number of serious problems, not the least of which was the police force's general unfamiliarity with human rights. Poverty was also a serious problem, especially among women with special needs. In respect of social welfare, equality and health care in particular, the achievements of the Soviet era seemed but a distant memory. The civil war that had broken out shortly after the country had gained independence from the former Soviet Union appeared to have made Tajikistan a more firmly patriarchal society. Freedom of religion and freedom of movement for migrants were not fully respected, and women's rights were not recognized as human rights.

26. Against that backdrop, she wished to know what steps the State party was taking to support and protect families, especially households headed by single mothers; older women, especially farm women; and women and girls with disabilities. It would be particularly interesting to know what was being done in respect of decent wages and retirement income for women working in agriculture. She would welcome information on the provision of cash benefits, housing support and job-placement assistance.

27. She wondered whether any efforts had been made to encourage employers to hire women living with HIV/AIDS. She also wondered whether any activities had been carried out to help women gain access to credit and what obstacles prevented women from enjoying access to bank credit and other forms of financing on an equal footing with men.

28. It would be interesting to know what opportunities there were for women and girls to enjoy their leisure time, what sports facilities were accessible to them and what sports they preferred. The notable individuals from Tajikistan listed in the Wikipedia article on the country appeared to include only men. Were female winners of Olympic or Paralympic medals not also notable Tajiks?

29. **Mr. Rahmon** (Tajikistan) said that the previous speaker's unfavourable description of his country was insulting and inaccurate. Tajikistan was a secular, democratic State characterized by a separation of powers. Persons living with HIV/AIDS were not subjected to discrimination either by law or in everyday life.

30. **Ms. Hasanzoda** (Tajikistan) said that the population of Tajikistan included some 2 million women of childbearing age, approximately half of whom lived in rural areas, where families tended to be large. Grandmothers often helped raise children. Women who had been in formal employment were entitled to pension payments, which had increased significantly since 2016, starting at age 58. Average wages had also increased. As the average increase had been the same for both men and women, however, the gender pay gap had remained unchanged.

31. Female entrepreneurs were entitled to a number of tax credits and had access to bank loans on the usual conditions. Half the holders of credit cards in Tajikistan were women, as were half the holders of deposit accounts. Tajikistan was near the middle of the ranking of countries in terms of the progress made towards gender equality. It planned to narrow gender gaps and move into the top third of that ranking by 2030. All public buildings would be made accessible to persons with disabilities by 2020.

32. Poverty and extreme poverty had been more than halved in recent years, and plans had been made to ensure that they continued to fall. More than 90 per cent of the people who left Tajikistan for work went to the Russian Federation, but the number of such migrant workers had plummeted between 2013 and 2018, largely because of the economic downturn in the Russian Federation and an uptick in the number of jobs in Tajikistan. Women were increasingly finding employment in formal-sector industries where a number of new jobs had been created, in particular education, agriculture, health care, trade and finance.

33. **Mr. Rahmon** (Tajikistan) said that women in the country's urban areas had any number of opportunities to practise sports. Women took up martial arts, including tae kwon do, and boxing. Mavzuna Chorieva, a female boxer, had won a bronze medal for Tajikistan at the 2012 Olympic Games in London. Many other women represented the country internationally.

34. **Mr. Sattorzoda** (Tajikistan) said that it was inaccurate to suggest that women did not have opportunities to participate in sports. Women's football teams, for example, competed in Tajikistan.

35. **Ms. Hofmeister** said that she would welcome a description of the situation of women and girls living in rural areas and, in particular, of how it differed from that of men. She asked what the special needs of such women and girls were, whether politicians were aware of those needs and what kinds of inequality persisted in rural areas. Information on the access of rural women and girls to social services, domestic payment services, personal documents, housing, landownership and inherited property would also be appreciated. The delegation should indicate whether activities were undertaken to raise rural women's and girls' awareness of their rights.

36. The Committee had received information indicating that lesbian, gay, bisexual, transgender and intersex persons had, on occasion, been treated in an unacceptable manner by law enforcement officials, and were subjected to discrimination, exclusion, hate speech and other abuse. She wished to know what steps were being taken to promote acceptance of and respect for lesbian, bisexual, transgender and intersex women, whether campaigns were being conducted to change homophobic attitudes and what was being done to incorporate information on homosexuality into sex education curricula for students between the ages of 10 and 15 years.

37. Girls with disabilities should not automatically be institutionalized; they should be entitled to a life free from violence, including sexual violence, and should benefit from personal assistance and facilitated access to employment. It was important to establish the right conditions for girls with disabilities to thrive, including through the provision of court interpreters, wheelchair ramps, sanitary conveniences and appropriate transportation services.

38. According to the information at the Committee's disposal, women found guilty of offences such as theft and drug dealing were often given prison sentences that were disproportionately long in comparison to those imposed on men for more serious crimes such as rape and murder. In addition, women's prison conditions were deplorable, and there were no programmes to promote the social and occupational reintegration of former inmates, to protect them from stigma and discrimination or to provide them with identity documents, medical care and permanent, affordable housing. She would be interested to know what measures were being adopted to bring prison conditions into line with the Convention, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders and other relevant international human rights standards. She would also welcome comments on efforts to ensure regular prison monitoring, to change the legal framework governing prison release management, to develop and run reintegration programmes with the cooperation of women's non-governmental organizations and to provide free psychological, legal, social and financial assistance to former inmates.

39. She would be grateful for information on the treatment afforded to sex workers in the State party, especially by law enforcement officials, who allegedly often blackmailed them. She asked how the State party addressed the practice of prostitution and whether it would consider implementing the so-called "Nordic model" for sex buyers. Details of the steps being taken to improve the situation of women living with HIV/AIDS, including efforts to combat stigmatization and exclusion, for example by abolishing the rule that prevented such women from studying medicine, would also be welcome. Lastly, she asked what role the opium poppy played in the State party's economy.

40. **Ms. Kosimzoda** (Tajikistan) said that the Chair of the Committee on Women and the Family was also the head of her country's gymnastics federation, and that all women had access to gymnastics.

41. Under the Asian Development Bank-financed project (No. G0245) launched in 2015, 137 women from disadvantaged backgrounds living in remote districts near the border with Uzbekistan had been offered support in finding employment. Since 2006, 2 million somoni had been allocated each year to the promotion of women's entrepreneurship, which had also been boosted through a range of provincial initiatives.

42. The Committee on Women and the Family regularly visited women in prison. In one facility in the city of Nurek, it had opened a sewing workshop that employed around 100 women. On their release from prison, women who had drawn up a business plan could apply for a grant to help them to implement it.

43. **Ms. Hasanzoda** (Tajikistan) said that, according to a 2017 study in which some 8,000 families had been contacted, 45 per cent of women obtained the majority of their information on family planning and reproductive health from watching television, while 18 per cent did so from print media. Only a few women had indicated that they had never received any such information.

44. The number of sports facilities in Tajikistan had stood at around 9,000 in 2017. Extensive efforts were being made to promote and develop sport in the country. There was one women's prison, located in Nurek, and a total of 412 women inmates.

45. **Mr. Sattorzoda** (Tajikistan) said that national criminal laws provided for more favourable treatment of women than men. For instance, women could not be sent to labour camps, and pregnancy was considered to be a mitigating circumstance. Pregnant women could not be sentenced to life imprisonment; many benefited from amnesties, even in the case of serious crimes. Women with children under 8 years of age had their sentences deferred. When women failed to appear for questioning in response to a summons, they were not forcibly arrested.

46. Same-sex marriage and adoption by same-sex couples were not legal in Tajikistan. There had been no reported cases of violence against lesbian, gay, bisexual, transgender or intersex persons during the period under review. The Government protected the rights and freedoms of such persons and held individuals who violated the law to account. There were no domestic legal provisions limiting the lawful interests of members of sexual minorities. The Criminal Code established liability for crimes of a sexual nature and for violence or threats of violence against a person or his or her relatives.

47. **Ms. Hasanzoda** (Tajikistan) said that mother-to-child transmission of HIV accounted for less than 1 per cent of all new HIV infections. The children of mothers with HIV were provided with free formula, and every effort was made to prevent HIV transmission and raise the population's awareness of the risk thereof.

Articles 15 and 16

48. **Ms. Manalo** said that she wished to know what was being done to prevent early and forced marriages, whether mechanisms were in place to identify them and whether the Government collected statistics in that regard. She would appreciate information on the number of cases, between 2014 and 2017, in which domestic courts had granted an exception to the minimum age for marriage. It appeared that the minimum age could be lowered from 18 to 17 years upon request, yet there was no provision in law for such an eventuality. She invited the delegation to comment on how that apparent inconsistency between law and practice was reconciled and to describe the most common reasons given by judges to justify the granting of an exception.

49. She asked how many court decisions had been handed down between 2014 and 2017 in relation to the recovery of child support payments, how many of those decisions had actually been implemented and what mechanisms had been set up to ensure that women, in particular, received child support.

50. In 2016, provisions on mandatory check-ups had been added to the Family Code. It was reported that such check-ups were used to perform virginity tests, which had contributed to an increase in the suicide rate among young women because of accusations of loss of virginity. She asked the delegation to clarify how the introduction of provisions on mandatory check-ups was compatible with the State party's obligation to eliminate discrimination against women, particularly in matters relating to marriage. Information on the measures being taken to encourage official marriage registration, which had allegedly declined in recent years amid a rise in the popularity of traditional marriages, would also be of interest. She would be grateful to receive statistics on the suicide rate among young women and an explanation of how the State party was addressing the increase in that rate.

51. **Ms. Hasanzodə** (Tajikistan) said that, pursuant to the Family Code, the minimum age for marriage in Tajikistan was set at 18 years. The number of registered early marriages had fallen from 12 in 2012 to none in 2017. The average age of first-time mothers was 21.9 years. According to statistics gathered by the Ministry of Internal Affairs, in the first eight months of 2018 there had been 733 complaints of crimes involving a violation of the rights and freedoms of minors in relation to education and early marriage.

52. A law had been adopted on parental responsibility for children's education. As part of the outreach work to promote awareness of the law, 8,900 workshops had been held in 2018 alone, and information had been disseminated in vocational institutions, on television and the radio, in State-owned companies and in labour unions. In addition, over 3,000 raids had been carried out, as a result of which some parents had been fined for trying to give their children away in early marriage. As the level of education of women and girls steadily improved, the number of violations of provisions on early marriage was falling.

53. **Ms. Kosimzoda** (Tajikistan) said that on 1 March 2005 the Government had adopted the Act on State Guarantees of Equal Rights for Men and Women and Equal Opportunities in the Exercise of Such Rights, which covered rights in the social, political, cultural and other spheres. Article 17 of the Constitution provided that all citizens were equal before the law, while article 19 enshrined the right of all citizens to judicial protection. Pursuant to article 24, all citizens were entitled to choose their place of residence and to enjoy freedom of movement both within and outside the country. Medical check-ups were necessary before a woman could enter into marriage. Virginity testing, however, did not occur in Tajikistan.

54. **Mr. Rahmon** (Tajikistan) said that ever since his country had gained independence, efforts had been made to build a democratic and secular State governed by the rule of law, an important element of which was respect for fundamental human rights and freedoms, including those of women. The Government intended to continuously fine-tune the institutional and legal mechanisms in place to ensure the implementation of international human rights treaties and the recommendations of treaty bodies. It would also seek to strengthen its cooperation with the Committee, whose comments and recommendations would be discussed by the relevant State structures in consultation with civil society.

The meeting rose at 4.40 p.m.

United Nations CEDAW/C/SR.1645

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
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Committee on the Elimination of Discrimination against Women
Seventy-first session

Summary record of the 1645th meeting
Held at the Palais des Nations, Geneva, on Thursday, 1 November 2018, at 10 a.m.

Chair: Ms. Halperin-Kaddari (Vice-Chair)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of the former Yugoslav Republic of Macedonia

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

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Ms. Halperin-Kaddari, Vice-Chair, took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of the former Yugoslav Republic of Macedonia (CEDAW/C/MKD/6; CEDAW/C/MKD/Q/6, CEDAW/C/MKD/Q/6/Add.1 and CEDAW/C/MKD/Q/6/Add.1/Rev.1)

1. *At the invitation of the Chair, the delegation of the former Yugoslav Republic of Macedonia took places at the Committee table.*

2. **Ms. Carovska** (The former Yugoslav Republic of Macedonia) said that the Government's work programme for 2017–2020 included a National Action Plan for Gender Equality for the period 2018–2020. The Plan would establish an effective system to achieve gender equality by putting institutional support mechanisms in place at the national and the local levels. It would also include indicators to measure progress and generate gender-disaggregated statistics; integrate gender-responsive budgeting into government policies and programmes; raise public awareness of the various forms of violence against women; strengthen institutional capacity for protecting victims; harmonize legislation with European Union and international standards; ensure gender equality in health care, education and employment; and build a culture of equal opportunity.

3. The Government had set the gender-responsive budgeting project in motion and new legislation on budgets, which included gender-responsive budgeting, was being finalized. A legal expert had been appointed under the Law on Equal Opportunities for Women and Men to lead the procedure for identifying gender inequality and discrimination. A new law on the termination of pregnancy, which was in the final stages of adoption, would provide for more streamlined administrative procedures and give women full freedom to choose to have an abortion up to the twelfth week, or up to the twenty-second week, subject to an assessment by a commission of two gynaecologists and a social worker. The Government's investment in gynaecological care had resulted in a reduction in the infant mortality rate. The Ministry of Labour and Social Policy, in cooperation with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), had agreed to open a regional centre to share knowledge on gender-responsive budgeting.

4. In 2019, with World Bank support, the Ministry would roll out a project for the economic empowerment of women that would include the amendment of legislation regulating the rights to property and an initiative to improve the situation of lesbian, gay, bisexual, transgender and intersex persons in the country. In 2017, the former Yugoslav Republic of Macedonia had ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) and had adopted an action plan for 2018–2023 for its implementation. Work had begun on the preparation of legislation on gender-based violence, with support from the Office of the United Nations High Commissioner for Refugees, which was expected to be adopted in 2019.

5. Social protection and benefits would be greatly enhanced once the amendments to the Law on Social Protection currently being put forward were passed, with a view to helping people escape poverty. Minimum subsistence needs would be catered for, and low-income families would no longer have to have a family member be employed to qualify for child allowances. An education allowance had been introduced to help such families with children in primary and secondary education to cover school expenses. Benefits would also include increased subsidies to cover heating costs in winter. The drafting of the bill had already been completed. The Law on Labour Relations was being brought into line with the Parental Leave Directive, to provide for equal maternity and paternity leave. To help promote equal opportunities for women, the Government had set up a project for early childhood development and care and the construction and renovation of kindergartens. The project was funded by a World Bank loan, and 24 kindergartens would be open by the end of 2018. The minimum wage had been increased, and the Law on Minimum Salary of 2017 had ensured that workers in the textile, leather and shoe manufacturing industries, where

women made up the largest share of employees, were guaranteed the minimum wage. In April 2018, the Government had launched a birth registration drive and around 650 unrecorded births had been identified to date.

6. She would like to draw particular attention to proposed amendments to the Law on Equal Opportunities for Women and Men that were expected to be carried in 2019, which sought to harmonize it with European law; draft anti-discrimination legislation that would likely be adopted later in the year, which provided additional protection for victims; and the bill on gender-based violence, which would also be brought before the legislature in 2019, to give effect to the Istanbul Convention. Progress had also been achieved with the adoption of the Law on Protection against Harassment at the Workplace and, in the area of combating human trafficking, with the adoption of the National Action Plan for Combating Trafficking in Human Beings and Illegal Migration. As part of that Plan, with the support of the International Organization for Migration, indicators were to be developed to identify victims of human trafficking and sexual violence. A capacity-building project in the field of gender equality conducted in 2015 in cooperation with the United Kingdom, Portugal and Romania had produced recommendations aimed at bringing the law into harmony with European Union legislation. A quota of 40 per cent had been introduced for women candidates for election to the parliament.

7. The Government had set as targets for 2019 the provision of affordable and decent sexual and reproductive health services; a reduction in women's burden of caring for children through the provision of various childcare facilities and through amendments to the Law on Labour Relations; the introduction of measures to achieve a work-life balance; action to increase women's participation in the labour market; and the introduction of special measures for women's economic empowerment, including amendments to the legislation concerning the right to property.

Articles 1 to 6

8. **Mr. Bergby** said that he wished to know the extent to which the public was aware of article 119 of the Constitution, which provided that international agreements ratified by the State party, including the Convention, automatically became part of national law and whether awareness-raising activities had been undertaken in that connection. He would like to know why the Convention had only once been cited in legal proceedings in the State party. He asked whether the draft legislation to prevent discrimination was truly on schedule for adoption in 2018, or whether that was optimistic. He would like to hear from the delegation why the adoption of that law, which appeared to be holding up other legislation, was so delayed. The draft legislation provided for an implementation and monitoring mechanism: the Commission for Protection against Discrimination. He would like to know if a budget was foreseen for the Commission or whether it would rely on donor support, and how it would cooperate with the Office of the Ombudsman. Noting that the Ombudsman's report made scant reference to gender discrimination, he asked why that national human rights institution should be so lacking in gender sensitivity and how it could be strengthened to make it more effective in combating gender discrimination. With regard to the recent ratification of the Istanbul Convention by the State party, he would be grateful for information concerning the budget provided for its implementation.

9. The draft anti-discrimination law did not recognize gender-based violence against women as a form of discrimination. He would like to know whether the State party would therefore consider amending its Law on Equal Opportunities for Men and Women explicitly to prohibit all forms of discrimination against women, including gender-based violence against women and, if so, whether it could provide a time frame for such amendments. The Law on Free Legal Aid was intended to enable disadvantaged women, especially victims of domestic violence, to have access to justice. He would be interested in receiving information on the effect of that law on vulnerable groups of women, including rural women, lesbian, bisexual or transgender women and sex workers. Did the State party intend to develop a strategic plan to promote protection and access to justice for disadvantaged groups of women? The list of matters for which legal aid was approved excluded the exercise of the right to citizenship and civil status issues, which could affect Roma women without documents in particular. He asked whether the Government intended

to amend the Law on Free Legal Aid so that Roma women could obtain professional assistance in that regard.

10. **Ms. Mustafova** (The former Yugoslav Republic of Macedonia) said that the bill on the prevention of and protection against discrimination had been prepared with the involvement of non-governmental organizations (NGOs) and international organizations. Its enactment was expected by the end of 2018. The delay in adoption had been due to the failure to include monitoring mechanisms in the draft legislation. The Commission for Protection against Discrimination had wider authority to act than the Ombudsman's Office and a memorandum of understanding, provided for by the bill, would be signed to address differing opinions and areas where their competences overlapped. A bill on gender-based violence that the Government planned to adopt in 2019 would prohibit such violence and treat it as a form of discrimination. A working group had been established to draft the law in conjunction with NGOs and international organizations, drawing on previous experiences in the preparation of the anti-discrimination law.

11. **Ms. Kikerekova** (The former Yugoslav Republic of Macedonia) said that the Government was not satisfied with the level of direct application of United Nations and Council of Europe conventions by the courts, despite the fact that the Constitution allowed for such application. To remedy the issue, judges and public prosecutors received training covering various international human rights conventions and instruments, including the Convention and the Committee's jurisprudence.

12. The Ombudsman had conducted research into gender equality and family violence, on the basis of which it had issued recommendations on enhancing the gender dimension of the programmes of State bodies and increasing the participation of women in public life. The Ombudsman also proposed legislative amendments, which, in one particular case concerning child marriage, had resulted in changes to the law. The amendments introduced to the Law on the Ombudsman in 2016 had granted the Ombudsman additional authority in the promotion of human rights, thus providing greater scope for developing a more gender-sensitive approach to its work in the future.

13. **Ms. Kamberi** (The former Yugoslav Republic of Macedonia) said that the Government was aware of the problem of Roma persons without birth certificates or identity papers. The Government had launched a birth registration drive in April 2018, inviting persons from Roma communities who lacked such documentation to register. Registration points had been set up at centres around the country and mobile units had been deployed in Roma communities in remote areas. Applicants were required to fill in a questionnaire asking why they did not possess identification documents and their names were placed in an electronic database. Nonetheless, the law would need to be amended before the some 700 persons named in the database could be registered as citizens.

14. **Ms. Shkrijelj** (The former Yugoslav Republic of Macedonia) said that changes to the Law on Equal Opportunities of Men and Women had not been delayed. The Ministry of Labour and Social Policy had organized a meeting with the relevant international organizations and NGOs in June 2018 to discuss the amendments. An analysis had been conducted to identify areas for improvement at the regional level and various potential models to effect improvements had been assessed. Amendments were also being planned to bring the law into line with European Union directives. The action plan adopted for the implementation of the Istanbul Convention coordinated the efforts of all stakeholders, including donors and NGOs, in meeting the country's obligations under that Convention, and budget allocations had been made to that end.

15. **Mr. Bergby** said that it would be helpful to know whether lawyers also received training on the Convention on the Elimination of All Forms of Discrimination against Women. He would be interested to hear how the Government ensured that legal aid was provided to vulnerable groups whose activities were at variance with the law, most notably sex workers, bearing in mind their distrust of the authorities. Highlighting the fact that gender equality was the responsibility of all ministries, he asked whether the National Action Plan for Gender Equality 2018–2020 mentioned in the delegation's opening statement would be rolled out across all branches of government, including at the highest political levels.

16. **The Chair** enquired whether training on the Convention was mandatory for members of the judiciary.

17. **Ms. Kikerekova** (The former Yugoslav Republic of Macedonia) said that a new proposed law on legal aid had sought to remove barriers to access to such aid for vulnerable groups. The draft had been reviewed to ensure that it complied with European Union legislation and it was now in the process of adoption. Under the new law, victims of family violence in need of court-ordered protection would not have to provide evidence of their financial situation and they would receive legal aid, which included legal representation, to pursue their cases before the courts. Beneficiaries of legal aid did not have to pay court costs. The law also clearly established the conditions for the approval of legal aid applications by the Ministry of Justice. The Government recognized the need for lawyers to have an understanding of the Convention and work would be carried out with the Bar Association to strengthen training in that regard. Training programmes on international human rights conventions for judges and prosecutors were mandatory.

18. **Ms. Carovska** (The former Yugoslav Republic of Macedonia) said that new posts would be created to provide legal support at social work centres as part of measures to enhance access to justice for citizens, especially for women in Roma communities.

19. **Ms. Nadaraia**, acknowledging the positive developments towards achieving gender equality, said that the national machinery for the advancement of women remained underresourced and measures for the effective implementation of the Law on Equal Opportunities of Men and Women were poorly funded, if at all. She would appreciate data regarding the annual budget allocated to the Sector on Equal Opportunities in the Ministry of Labour and Social Policy and to other programmes and activities to promote gender equality. Further information on any action to strengthen the functioning of Municipal Council Committees for Equal Opportunities of Women and Men would be welcome, given that, according to alternative sources, only half of those committees had submitted reports for 2015 and only 11 per cent had budget allocations to take measures to promote equal opportunities. She would be grateful for an explanation of any measures to enhance the independence and effectiveness of the Commission for Protection against Discrimination and the Office of the Ombudsman in terms of ensuring gender equality in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

20. According to alternative sources, the 2013–2020 Gender Equality Strategy and the 2013–2016 national action plan had had little effect on legislative amendments and policy changes, and the introduction of the national action plan for 2017–2020 had been delayed by 18 months. It would be useful to have additional information on the implementation of the 2013–2020 Gender Equality Strategy and its 2013–2016 national action plan, and the status of the new action plan for the period 2017–2020. She would welcome further explanation as to how the State party had incorporated the recommendations of the Committee and other human rights bodies into the strategy, the action plan and any other relevant programmes. She invited the delegation to elaborate on the institutional structures that would ensure the involvement of civil society in policy formation.

21. **Ms. Hayashi**, drawing the delegation's attention to the Committee's general recommendation No. 25 (2004) on temporary special measures, said that such measures were intended to accelerate the achievement of de facto equality of women and men, in particular marginalized or vulnerable groups of women. In that regard, she wished to know whether the bill on preventing discrimination provided for any temporary special measures and what specific measures for women had already been implemented by the Government in the executive and judicial spheres, especially in relation to disadvantaged groups, such as women with disabilities and rural and Roma women. Lastly, she wished to know why the Government had withdrawn the measures provided for in the National Strategy for Agriculture and Rural Development, which were aimed at encouraging women to apply for agricultural subsidies.

22. **Ms. Mustafova** (The former Yugoslav Republic of Macedonia) said that specific information regarding the mechanisms for gender equality, which had been established in accordance with the Law on Equal Opportunities of Men and Women, was contained in

paragraphs 10–15 of the replies to the list of issues (CEDAW/C/MKD/Q/6/Add.1/Rev.1). Since most of the activities being implemented to promote gender equality were funded by international donors, the State budgetary allocations were not necessary and had therefore been decreased. All government ministries and municipalities were now required to make provision for gender equality in their budgets and to implement the 2013–2020 Gender Equality Strategy and the National Action Plan for Gender Equality for the period 2018–2020.

23. The anti-discrimination bill made provision for government ministries to take special measures to combat sector-specific discrimination. Although the current law also provided for temporary special measures, they had been of a more general nature.

24. **Ms. Kikerekova** (The former Yugoslav Republic of Macedonia) said that the Law on the Ombudsman had been amended with a view to achieving full compliance with the Paris Principles and strengthening the capacities of the Ombudsman's Office as a national preventive mechanism. As a result, the Ombudsman had the authority to make recommendations to the Government, which, in turn, was obliged to act on them.

25. **Ms. Mustafova** (The former Yugoslav Republic of Macedonia) said that, although there had actually been an increase in the number of annual reports submitted by the municipal commissions for equal opportunities for women and men on the measures taken to implement the Law on Equal Opportunities of Men and Women, the quality of the information they contained had not met the standard expected. Efforts would therefore be taken in that regard.

26. **Ms. Kamberi** (The former Yugoslav Republic of Macedonia) added that the Ministry for Labour and Social Policy was currently devising special measures for the social inclusion of Roma women, which would be implemented in 2019.

27. **Ms. Novkovska** (The former Yugoslav Republic of Macedonia) said that all measures implemented by the Ministry of Agriculture, Forestry and Water Economy within the framework of the National Strategy for Agriculture and Rural Development were aimed at improving rural women's living conditions, facilitating their access to resources and strengthening their involvement in the development of policies that affected them. Measures were now needed to further increase rural women's inclusion in the labour market and, thus, prevent them from moving to urban areas.

28. **Ms. Shkrijelj** (The former Yugoslav Republic of Macedonia) said that the National Strategy for Agriculture and Rural Development contained measures for removing barriers to women's equality and increasing women's participation in rural life. A national coordination body was responsible for ensuring the gender mainstreaming of rural development programmes. Other measures to improve the situation of rural women included amending legislation to remove obstacles to women's ownership of land, strengthen their inheritance rights and facilitate their access to loans.

29. **Ms. Carovska** (The former Yugoslav Republic of Macedonia) said that the Office of the Prime Minister had plans to establish a secretariat to deal specifically with gender issues. Regarding budget allocations, it was important to note that all ministries received gender-related funding. The Ministry of Labour and Social Policy, for example, had funding that was earmarked for the establishment of kindergartens.

30. **Ms. Acar** said that, despite the Government's commitment to eliminating discrimination and gender-based violence against women, including by becoming a party to the Istanbul Convention, there had been little in the way of concrete action. She wished to know what measures had been taken to address discriminatory norms and combat patriarchal attitudes in society; challenge traditional gender roles and attract women into male-dominated professions; promote new, non-violent forms of masculinity and raise awareness of harmful stereotypes; and tackle online sexist hate speech, especially on social media platforms. Since women were traditionally viewed as mothers and carers, she wondered what efforts had been made by the Government to bring about a change in societal attitudes. Any data on the measures taken in that regard, such as awareness-raising activities and training programmes, would also be useful.

31. She hoped that the bill on gender-based violence, which was due to be adopted in 2019, would address some of the gaps in the Law on the Prevention of and Protection from Domestic Violence, which lacked a definition of violence, failed to recognize gender-based violence as a violation of women's human rights and made no specific reference to women. In that connection, she wondered whether the State party intended to amend the legislation to protect women from all forms of gender-based violence, including sexual violence; introduce criminal penalties for perpetrators of gender-based violence; and expand the current narrow definition of rape, to include marital rape. Lastly, she noted that further efforts were needed to improve services for victims of violence. In that regard, she would be grateful to receive updated information on the number of shelters for women victims of gender-based violence.

32. **Ms. Leinarte** said that, despite the fact that the State party had established a comprehensive legislative framework, formulated appropriate policies and created the necessary national mechanisms to combat human trafficking, she was concerned that very few victims of trafficking had been identified or provided with support and that the number of prosecutions and convictions was very low indeed. She wondered whether the delegation could explain the reason for the disparity, particularly in the light of the large numbers of refugees and migrants that had crossed the country at the height of the migrant crisis in Europe. Regarding prostitution, she asked whether the State party had given consideration to adopting the so-called Swedish model, which criminalized the purchase rather than the sale of sex.

33. **Ms. Spasovska** (The former Yugoslav Republic of Macedonia) said that, under the new legislation on the prevention of domestic violence, persons whose life or health were known to be at serious risk could be taken in by one of the four regional centres for victims, where a plan could be worked out for their protection. In 2017, 20 victims had been taken in, and 29 in the first six months of 2018. They were entitled to stay for six months, with an option to prolong their stay for another six months.

34. The mandate of the centre for victims of trafficking in human beings had been extended to cover victims of rape. Funding had been provided by the Ministry of Labour and Social Policy using money raised through the proceeds from gaming and the lottery. The new funding policy had permitted, for example, the creation of a 24-hour hotline for reporting family violence. At the family centre in Skopje, victims were given psychological and psychosocial treatment and support by qualified staff, who also worked with perpetrators.

35. In cooperation with NGOs, standard operating procedures had been developed, providing guidance on dealing with family violence and with perpetrators, and on the work of the victim centres and the social work centres. Training modules had also been prepared for professionals working in that sector, and also to help police and social protection workers gain a gender-based understanding of family violence.

36. **Ms. Mustafova** (The former Yugoslav Republic of Macedonia) said that, as part of efforts to eliminate stereotyping, the Agency for Audio and Audiovisual Media was obliged under the Law on Equal Opportunities of Men and Women to conduct an annual gender analysis of the media. Action could be taken if necessary, as had happened in November 2017, when a complaint had been made to the Commission for Protection against Discrimination about a concerted sexist campaign aired by three radio stations against all women deemed overly emancipated. As a result, not only had the campaign been stopped but the Assembly of the Republic of Macedonia had been moved to organize a public debate on hate speech.

37. The Agency had presented the Council of Europe's 2017 recommendation on gender equality in the audiovisual sector to the media, civil society and other stakeholders and had had it translated into several languages. In early 2018 it had prepared radio and television spots, entitled "Sexism humiliates", for broadcasts on national and local stations and on social media. The Agency also conducted other research into gender in the sector, such as television's treatment of gender issues and the image of women on national television, public attitudes to radio and television programmes and the gender breakdown of television

station staffing and ownership. Comparative indicators for the years studied were provided where possible and results were published in several languages.

38. The analyses were sent to the parliament and also to the Ministry of Labour and Social Policy, as the body responsible for monitoring implementation of the Law on Equal Opportunities. They were also made available to other stakeholders involved in devising policy on gender equality. What was urgently needed was an amendment to the Law on Equal Opportunities to improve the system of sanctions and fines for criminal offences in that area and to provide a mechanism for reporting offences free of charge, thereby ensuring effective implementation of the Law.

39. **Ms. Kikerekova** (The former Yugoslav Republic of Macedonia) said that the definition of rape in her country's legislation was not in line with that given in the Istanbul Convention and did not reflect the jurisprudence of the European Court of Human Rights, particularly those decisions that had found that rape was a violation of a person's sexual integrity and right to self-determination. The relevant provision of the Criminal Code made no reference to the lack of consent. However, a working group had been set up in the Ministry of Justice to bring the law into line with the Convention and European practice. The definition and penalization of other criminal offences, such as forced sterilization and female genital mutilation, also needed to be brought into line with the Convention.

40. Sexual harassment was addressed in the Law on Equal Opportunities and in the Law on Labour Relations. Legal redress against perpetrators was guaranteed in law and provision had recently been made for the right to seek damages. If damages could not be obtained from the perpetrator, they would be covered by the State out of a special fund.

41. **Ms. Atanasova** (The former Yugoslav Republic of Macedonia) said that the Ministry of Health, in cooperation with the United Nations Development Programme and the United Nations Population Fund, had set up three referral centres, in Skopje, Tetovo and Kumanovo, for victims of gender-based violence, especially sexual violence. Their purpose was to protect victims and to provide services in such a way as to respect victims' dignity. They were medically equipped and were accessible to persons with disabilities. They were able to assist with access to justice and could provide special services for child victims. Standard operating procedures ensured cooperation between the staff and the Ministry of Health and the Ministry of Labour, and other stakeholders in the local area. Under the action plan on implementation of the Istanbul Convention, three more centres would be created in 2019. During 2018 health professionals had been given training in identifying gender-based violence, a process that would continue in 2019.

42. **Ms. Kikerekova** (The former Yugoslav Republic of Macedonia) said that, in order to effectively combat trafficking in human beings, her country had set up a coordinating system in accordance with the relevant international protocols and conventions, under the National Commission for Combating Trafficking in Human Beings and Illegal Migration. The purposes of trafficking were chiefly sexual and labour exploitation and forced marriage, while the most powerful factor motivating potential victims was poverty: the percentage of trafficked minors from very poor backgrounds was increasing.

43. Great efforts had been made to bring legislation into line with international standards but prosecution had been less than effective, with very few judgments handed down for human trafficking in recent years. What was needed was more severe penalties, including, given the highly profitable nature of the trafficking business, the confiscation of property.

44. The Ministry of the Interior had set up a special task force on human trafficking, including a large number of police officers and a public prosecutor. In addition, a pilot project had been launched in five cities by the Ministry of Labour and Social Policy and the Ministry of the Interior, involving the creation of mobile teams comprising a social worker, a police officer and a representative of civil society, whose task was to improve the identification of potential victims, with a view to their referral to support and assistance programmes. In only seven months the number of referrals had already increased. The Ministry of Labour and Social Policy and the public prosecution service planned to join forces to draw up indicators to help teachers and health workers identify potential victims of human trafficking and of sexual violence.

45. **Ms. Carovska** (The former Yugoslav Republic of Macedonia) said that the Law on the Prevention of and Protection from Domestic Violence as it stood did not refer specifically to gender and failed to recognize that women were the principal victims of such violence. That would no longer be the case in the new law on gender-based violence. The rhetoric and practice of former governments, notably aimed at keeping women out of the labour market and making them responsible for the home and children, had been replaced by policies to encourage women's employment and economic empowerment, as a means of improving the country's economic progress. There was no debate as yet on the Swedish model in respect of prostitution, but debate was needed if the matter was to be properly addressed.

46. **Ms. Acar**, recalling that she would be leaving the Committee at the end of the session, said that, given the current backlash against women's rights, particularly in the area of violence against women, she was happy that the last dialogue of her term of office had been with the delegation of a State party that was expressing a clear political will to move forward on women's human rights, particularly in the area of combating gender-based violence against women.

47. **Ms. Leinarte** said that the weakest component of the State party's otherwise excellent anti-trafficking framework was monitoring: the National Commission for Combating Trafficking in Human Beings and Illegal Migration ought to be strengthened and given its own budget, separate from that of the National Rapporteur on Combating Trafficking in Human Beings and Illegal Migration.

48. In reply to a request for further clarification from **Ms. Carovska** (The former Yugoslav Republic of Macedonia), she recalled that, according to the 2017 Report of the Group of Experts on Action against Trafficking in Human Beings concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, the Ombudsman was not involved in the area of trafficking and so could not be the monitoring mechanism. The focus needed to be on the National Commission.

49. **Ms. Carovska** (The former Yugoslav Republic of Macedonia) said that, in the past, the Ombudsman's role had been a point of contention but that Office was now involved in every area of human rights.

50. **Ms. Mustafova** (The former Yugoslav Republic of Macedonia) said that there were special bodies for monitoring policy on trafficking, namely the National Rapporteur, the National Commission and the Subgroup on Combating Child Trafficking. The Ombudsman was a member of all those bodies.

Articles 7 to 9

51. **Ms. Hayashi** said that, notwithstanding the introduction of a quota of 40 per cent for the less well represented gender in lists of election candidates, women had still accounted for only around 30 per cent of successful candidates in the 2016 parliamentary elections and women were significantly underrepresented in government and in traditionally male-dominated departments such as defence and internal affairs. Women were also still poorly represented in diplomatic posts. She wondered what efforts the State party was making to encourage more women to be active in public and political life, particularly women belonging to disadvantaged groups.

52. Given the low percentage of women elected to local councils in 2017, she wondered whether the State party envisaged extending the quota to mayoral elections. She would also like to know what awareness campaigns or training had been provided for women candidates standing for election for the first time.

53. In general, she wondered how the new Government, with its clear political will, intended to ensure women's equal participation in decision-making bodies in all spheres of society, especially women belonging to disadvantaged groups. She would also like to know how it intended to monitor progress: there were as yet insufficient disaggregated statistics to properly verify the current situation.

The meeting rose at 1 p.m.

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Summary record of the 1646th meeting
Held at the Palais des Nations, Geneva, on Thursday, 1 November 2018, at 3 p.m.

Chair: Ms. Halperin-Kaddari (Vice-Chair)

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of the former Yugoslav Republic of Macedonia (continued)

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Ms. Halperin-Kaddari, Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of the former Yugoslav Republic of Macedonia (*continued*) (CEDAW/C/MKD/6; CEDAW/C/MKD/Q/6, CEDAW/C/MKD/Q/6/Add.1 and CEDAW/C/MKD/Q/6/Add.1/Rev.1)

1. *At the invitation of the Chair, the delegation of the former Yugoslav Republic of Macedonia took places at the Committee table.*

Articles 7 to 9 (*continued*)

2. **Ms. Nadaraia** said that more details were needed about the State party's efforts to reduce statelessness and promote birth registration. The fact that undocumented women could be denied access to maternity care and could not give birth in hospitals perpetuated a vicious circle whereby lack of documentation impeded access to health care, birth registration, education and labour market participation and increased the risk of exploitation and abuse. As Roma women and girls were particularly likely to find themselves trapped in that vicious circle, she also invited the State party to explain what additional measures were being taken to address the intersectional discrimination that was both a cause and consequence of statelessness within the Roma community.

3. **Ms. Mustafova** (The former Yugoslav Republic of Macedonia), sharing a few figures on women's participation in political and public life, said that, in the 2016 parliamentary elections, 41 of the 120 members elected had been women, but, in the 2017 local elections, only 15 of the 260 mayoral candidates had been women, and only 6 of them had been successful. Just under a third of local government councillors were women. In total 40 per cent of staff members of the Ministry of Defence were female, although women accounted for less than 10 per cent of army personnel and over 50 per cent of civilian personnel. Approximately 150 women had participated in peace missions under Security Council resolution 1335 (2001) on the situation in Croatia. The Ministry of Defence was committed to implementing the principle of equal opportunities for men and women and army personnel received gender training in preparation for peace missions.

4. **Ms. Nikolova** (The former Yugoslav Republic of Macedonia) said that, as a result of the quota requirements introduced to the Electoral Code before the 2016 elections and following subsequent post-election adjustments, women accounted for approximately 40 per cent of Members of Parliament, in line with the quota set. It was important to note that female candidates were not placed at the bottom of electoral lists but were evenly distributed throughout. The State party now had a female Deputy Prime Minister, a female Deputy Speaker and four women heading up high-profile ministries, including the Ministry of Defence and the Ministry of Labour and Social Policy. Women also chaired 7 of the 21 Commissions of the Assembly of the Republic of Macedonia, the country's legislature, and were deputy chairs of a further 9. The Women Parliamentarians' Club was growing in importance and influence as a result. Consent for an increase in the quota to 50 per cent had already been obtained in principle.

5. Although the quota requirement had not been achieved in local government, there had been a significant improvement in women's representation. The Government was examining ways to improve on current levels and had made a comparative analysis of models used in other countries to that end. She was confident that an effective solution would be found. With support from international organizations, training was being provided to accelerate progress, including capacity- and confidence-building courses for prospective female candidates. She hoped that such training would in the near future be formally covered in legislation.

6. **Ms. Zdravkovska** (The former Yugoslav Republic of Macedonia), referring to women's representation in the Ministry of Foreign Affairs, said that the principles of equitable representation and equal opportunities were formally established in the Foreign

Affairs Act of 2006 and were applied in all ambassadorial appointments. At present, women occupied 4 of a total of 22 ambassador positions. In addition, 4 of the 15 director-level posts in the Ministry were occupied by women, 15 of the 37 assistant-director positions and 24 of the 67 head of unit positions.

7. **Ms. Kamberi** (The former Yugoslav Republic of Macedonia) said that action by Roma political leaders was needed to address Roma women's admittedly scant representation in politics. On a more positive note, there were around 150 Roma women currently working in government ministries, including 3 heads of department — an achievement that was without precedent in the region. Furthermore, one of the Deputy Ombudspersons was a Roma woman, as was one of the Ombudsperson's advisers.

8. While it was true that undocumented persons had no legal rights in terms of access to employment, health care and social services, by order of the Government, all children had the right to enrol in elementary school even if they had no identity documents. The aim was to provide them with documents as they completed their education. The Government was working with the Macedonian Young Lawyers Association to resolve the situation of the approximately 700 undocumented persons currently on record, hopefully before the end of 2018. It was also looking to make the legislative amendments necessary to achieve a lasting solution to the problem.

Articles 10 to 14

9. **Ms. Arocha Domínguez** said that, despite a very slight decline at the secondary level, school dropout rates for girls remained worryingly high. She would like to know the reasons for girls' failure to complete compulsory education, which could not be attributed solely, or even primarily, to families moving house and changing schools, as suggested in the replies to the list of issues (CEDAW/C/MKD/Q/6/Add.1/Rev.1). Recalling that, in its 2016 concluding observations (CERD/C/MKD/CO/8-10) the Committee on the Elimination of Racial Discrimination had raised concerns about discrimination and segregation impeding the education of Roma children, she asked what was being done to accelerate progress towards an education system that was fully inclusive of Roma children, children with disabilities, children living in remote areas and children from any other disadvantaged group and whether the delegation could provide up-to-date statistics to illustrate progress thus far.

10. She would like to know more about the situation of girls who were placed in residential schools due to a lack of family support. How did the State party protect them from abuse and harassment, including at the hands of those employed to care for them, and how did it ensure that abusers did not enjoy impunity? Information about any measures in place to address the stereotypical portrayal of women as mothers and carers would also be appreciated, as would an update on progress towards the removal of gender stereotypes from school curricula. Noting lastly that women were not well represented in higher education, she asked how many women occupied director-level positions in higher education institutes and how many women, relative to men, were involved in scientific research and teaching.

11. **Mr. Bergby**, noting that the gender pay gap was 13 per cent according to official data but 27.4 per cent according to an International Labour Organization study, said that he was concerned about the lack of reliable data to measure the scale of the problem, the lack of research to enhance understanding of its causes and the lack of measures to address them. When would the State party attend to the urgent need for extensive data gathering and research on that subject? The delegation might also clarify whether the provisions of the Labour Relations Act that imposed a requirement for equal pay for equal work in equal conditions should be interpreted as referring to equal work or work of equal value. It should also provide details of the control mechanisms in place to ensure respect for that principle.

12. Although the introduction of a minimum wage was a positive step, pay and working conditions in the garments industry, where over 80 per cent of the workforce was female, remained unsatisfactory, as the average wage in the sector was approximately 60 per cent lower than the national average. In addition, in 2017, 715 cases of violations of labour rights involving 2,466 garment workers from 72 garment factories across the country had

been documented. He would therefore like to know what the Government planned to do to guarantee women's right to equal remuneration and equal treatment in the workplace.

13. The current nine months' paid maternity leave entitlement was good in principle but available only to women in formal employment. The delegation might therefore describe what was being done to ensure equivalent benefits for the 50 per cent or more of pregnant women who were employed in the informal economy. He would also like further information about the cost of childcare. Clarification as to current paternity leave entitlements was also needed. It appeared that, at present, fathers were entitled to just seven days. Would that entitlement be extended to at least 20 days to make it easier for women to return to work and to encourage men to assume more of the care-giving role, and would the State party consider making paternity leave mandatory? The delegation might also clarify whether the legal provision that exempted employees with children under the age of 3 years old from working overtime or night shifts unless they gave their prior, written consent applied to men as well as to women. Noting lastly that the different retirement ages established for men and women exacerbated the effects of the gender pay gap by limiting women's potential pension income still further, he asked whether the State party had any plans to address that disparity.

14. **Ms. Arocha Domínguez** said that she wished to know more about the new programmes introduced to enhance care for women diagnosed with breast cancer, cervical cancer and other illnesses primarily affecting women and about the new sexual and reproductive health-care strategy that was due to be introduced over the next decade. For example, would sexual and reproductive health education be improved; would modules be developed for all levels of education and also for medical personnel; would a community-based system that ensured coverage across the entire country be established; and would access to contraceptive devices be guaranteed for all women?

15. More detail about the content of the bill on termination of pregnancy currently pending adoption and the obstacles that had delayed its passage would be useful. She would particularly like to know what time frame was envisaged for the enactment of the legislation; whether women's organizations had been consulted in the law's preparation; and whether its implementation would be accompanied by awareness-raising campaigns in schools. Lastly, could the delegation confirm that the high risk groups targeted under the country's HIV/AIDS prevention programme included women engaged in sex work and transgender women, and that lesbian, gay, bisexual, transgender and intersex persons were able to obtain medical care free from stigmatization and discrimination?

16. **Ms. Kamberi** (The former Yugoslav Republic of Macedonia) said that the Government was proud of the progress it had made in integrating the Roma population and that the country had achieved the best figures in the fields of education and employment of all States involved in the Roma Integration 2020 project implemented by the Regional Cooperation Council. Since 2006, the Roma Education Fund had been paying for approximately 500 Roma children a year to attend preschool free of charge. The beneficiaries were integrated with children from non-Roma backgrounds although 19 Roma assistants had been recruited to lend their support. Teaching assistants from Roma backgrounds were also employed to facilitate the integration of Roma children in elementary and secondary education, which were compulsory for all children, including Roma. At present, 8,785 of the just over 185,000 children in elementary school were from a Roma background and 1,420 out of nearly 78,000 pupils in secondary school were Roma, under half of them girls. The Government used various strategies to keep Roma teenagers in school, including providing scholarships from the Roma Education Fund. In the 2016/17 and 2017/18 academic years, 582 and 736 secondary school scholarships had been granted respectively with Roma girls accounting for the majority of recipients in each case. Scholarships were also available under a conditional cash transfer programme run by the Ministry of Labour and Social Policy with funding from the World Bank that provided assistance to all socially disadvantaged families.

17. **Ms. Mustafova** (The former Yugoslav Republic of Macedonia) said that, in the 2015/16 academic year, 2,525 children had dropped out of school, with the main reason being relocation. Of those children, 1,206 had been girls. The Ministry of Labour and Social Policy, in cooperation with the Ministry of Health and the Ministry of Education and

Science, had recategorized students in special schools to ensure that children with mild disabilities, who accounted for around 70 per cent of the total, were included in the mainstream education system. Together with the United Nations Children's Fund (UNICEF), the Ministry of Labour and Social Policy had developed a rule book based on a functional approach to measuring disability. The book would be piloted in several municipalities in 2019. The Ministry was in the process of establishing a working group to analyse school textbooks with the overall aim of furthering efforts to remove discriminatory content. The analysis was expected to be complete by the end of 2019. Statistics on women's participation in decision-making positions were being collected by the Sector for Equal Opportunities within the Ministry and would be available in due course.

18. **Ms. Spasovska** (The former Yugoslav Republic of Macedonia) said that the conditional cash assistance programme was implemented to provide additional support to secondary-school students who regularly attended classes and whose families were already beneficiaries of social welfare. Eligibility for financial aid for education was set to be extended to all students from low-income families. Specific measures were in place to help single parents, particularly single mothers. In cases of domestic violence, the perpetrator's income was not counted for the purposes of calculating benefit entitlements.

19. To promote women's participation in the labour market, the Government was expanding the network of kindergartens, including in rural areas. In 2018 alone, 24 facilities, with the capacity to care for 600 children, had been opened. Under a bill that was currently being drafted, State funds would be used to cover the kindergarten expenses of poor families.

20. Pursuant to a Constitutional Court ruling annulling a discriminatory provision of retirement legislation, the retirement age for men and women had been equalized, at 67 years.

21. **Ms. Shkrijelj** (The former Yugoslav Republic of Macedonia) said that more than half the women in her country were considered to be economically inactive. The requirement of actively searching for work in order to qualify for unemployment benefits had been lifted in 2017.

22. The Ministry of Labour and Social Policy was introducing reforms to enhance support for women performing unpaid domestic work. A bill on labour relations was in the pipeline and should enter into force in January 2019. Legislative amendments were also being considered to provide for more flexible working arrangements.

23. The bill on labour relations enshrined the principle of equal pay for equal work. The scope of legal provisions on the minimum wage had been extended to cover workers in the textile industry, where women were disproportionately represented. The minimum wage had also been raised, and the Government intended to incentivize employers to improve working conditions. Although the minimum wage was still not high enough to guarantee an adequate standard of living, many low-income earners were entitled to child support and other benefits. Frequent violations of the Law on Minimum Monthly Wage had prompted the Government to strengthen the capacity of the State Labour Inspectorate, which was responsible for monitoring respect for workers' rights. The Inspectorate had conducted 8,000 inspections in 2018 and planned to carry out a further 18,000 in 2019.

24. The Government's investment in kindergartens was expected to be very worthwhile in terms of promoting early childhood development. With the assistance of the United Nations Entity for Gender Equality and the Empowerment of Women, a cost-benefit analysis would be conducted to measure the long-term impact on the economy.

25. Social welfare offices were being opened in all municipalities in the country with the aim of providing integrated case management. The offices would collaborate with job centres to offer a package of measures to women who were long-term unemployed, including psychosocial support and rehabilitation, and further education and training.

26. **Ms. Carovska** (The former Yugoslav Republic of Macedonia) said that, in 2019, the Government intended to increase wages in the social care and childcare sectors, in which women were disproportionately employed.

27. **Ms. Mustafova** (The former Yugoslav Republic of Macedonia) said that the bill on labour relations would bring domestic provisions on maternity and paternity leave into line with international standards. The spirit of the bill was that raising a child should be the responsibility of both parents. With that in mind, the idea of mandatory paternity leave was being discussed. The bill, which would be adopted in 2019, would also provide for the possibility for parents to telecommute.

28. In accordance with the Law on Equal Opportunities of Women and Men, a tool had been developed to identify and punish employers that violated the right to equal pay for equal work.

29. **Mr. Filipche** (The former Yugoslav Republic of Macedonia) said that, for many years, there had been no strategy for the development of the health sector in his country, as a result of which constitutional guarantees concerning the right to health were endangered. In the previous decade, 1,300 doctors had emigrated, leading to staff shortages. The provision of medical services was further hampered by seriously outdated equipment and dilapidated facilities. Many patients, particularly those belonging to vulnerable groups, consequently received inadequate treatment, which went some way towards explaining the extremely high infant mortality rate and the poor outcomes of cancer patients.

30. The current Government had prioritized the issue of health and had undertaken a series of initiatives, the first results of which were beginning to show. It had invested in infant incubators, the training of doctors and a reform of the system for the provision of gynaecological services. It had also endeavoured to improve medical facilities and equipment and to encourage an exchange of knowledge and experience with health professionals from other countries.

31. Cancer screening programmes were badly compromised by insufficient staff numbers and the complete inadequacy of radiological equipment. The renewal of that equipment, which was anticipated to take place in 2019, would enable an analysis of the interpretation of screening test results to be carried out.

32. The law on health insurance was being amended to pave the way for the addition of cytostatin to the list of approved therapies covered by the Health Insurance Fund. It would be the first time in some 10 years that a new therapy had been included in the list. A commission was being set up to review the list and remove cheap medicines that had little or no therapeutic value. There were plans to set money aside to improve the availability and quality of orthopaedic care, and campaigns were under way to raise awareness among health professionals and the general public of the important role played by human papilloma virus vaccines, the coverage rate for which was below 50 per cent.

33. A comprehensive assessment of the health-care system was being undertaken and should be completed by April 2019. The Government was cooperating with the World Health Organization and the World Bank to reform the system of primary health care. It was looking for ways to retain doctors and attract young people to the medical profession. While there was a national shortage of primary gynaecologists, mobile teams had been deployed as part of a pilot project to offer community-based gynaecological services in remote, rural areas of the country. Depending on the success of the project, the services might be expanded nationwide. The Government was also working with the World Bank to develop a public-private partnership to fund the provision of gynaecological care.

34. As it stood, the law on abortion was very discriminatory, since it limited women's access to abortion, and the medical boards that women wishing to have an abortion were required to consult under the law often took too long to issue their opinions, which resulted in higher risks of medical complications. The Government had been working in consultation with non-governmental organizations on the new legislation, which put greater emphasis on women's wishes. The law would provide for medical abortion and, in cases in which women expressed their desire to have an abortion after the twenty-second week of pregnancy, the boards would be expanded to include surgeons and other medical specialists.

35. **Ms. Atanasova** (The former Yugoslav Republic of Macedonia) said that the Ministry of Health was implementing a specific health-care programme for mothers and

children that had helped to remove barriers to access for women from vulnerable groups, including Roma women and women without identity documents. Under the programme, free hospital care was provided to children and pregnant women from vulnerable groups, and to all children under 1 year of age. Women could also receive free counselling and contraception at health centres.

36. The Ministry had also drawn up clinical guidelines on the early detection of cervical cancer and the treatment of post-partum bleeding, which had contributed to a reduction in the infant mortality rate. In addition, a plan of action on reproductive health had been adopted for the period 2018–2021. The plan provided for measures in the areas of family planning, sex education for adolescents, maternal and neonatal health, abortion, gender-based violence, sexually transmitted diseases and the prevention of, and protection against, cervical cancer.

37. **Mr. Bergby** said that he would be interested to know whether, in the Constitutional Court ruling annulling a discriminatory provision of retirement legislation, reference had been made to the Convention. An indication of whether the ruling had been implemented would also be appreciated.

38. Noting reports that 47 per cent of unemployed rural women were performing unpaid work in family farms, he asked what could be done to recognize such work in the interests of facilitating access to social benefits and pensions.

39. **Ms. Arocha Domínguez** said that she would be grateful to hear from the delegation about what could be done to ensure that members of abortion advisory boards did not go beyond their mandate and impose their own ethical standards. She drew the delegation's attention to recent recommendations from other human rights treaty bodies concerning the school segregation of Roma children and children with mental disabilities in particular, and noted that she had received no reply to her question on the sexual abuse suffered by girls in boarding schools.

40. **Ms. Carovska** (The former Yugoslav Republic of Macedonia) said that the discriminatory provision regarding the retirement age for men and women was null and void, as per the ruling of the Constitutional Court.

41. A system was in place to monitor whether professionals in a number of fields, including the health sector, were acting in accordance with the law. Should a member of an abortion advisory board go beyond his or her mandate, appropriate legal and other action would be taken.

42. One particular boarding school for girls where there had been cases of sexual abuse had been transformed and reopened in August 2018 as a community-based assisted living facility. There were plans to transform a further three boarding schools in Skopje within the coming six months.

43. **Ms. Kikerekova** (The former Yugoslav Republic of Macedonia) said that the bill on the prevention of, and protection against, discrimination set out definitions of both "segregation" and "disability" and established that segregation was a form of discrimination, which would enable action to be taken whenever segregation was identified. The definition of "disability" in the bill was a uniform definition that was being introduced in all relevant domestic laws.

44. **Ms. Mustafova** (The former Yugoslav Republic of Macedonia) said that the Constitutional Court regularly cited international human rights treaties, including the Convention, in its rulings.

45. **Ms. Ameline** said that she would welcome more information on the State party's investment policies to support rural women. The Committee's general recommendation No. 34 (2016) on the rights of rural women could serve as a road map to open up opportunities in the formal labour market and promote rural women's entrepreneurial skills.

46. Noting that the State party had made a considerable number of commitments to improving access to services in rural areas, she wondered whether it would be able to meet its goals in the short term. She would be interested to learn what the Government was doing to ensure that women shared in expanding areas of the economy such as tourism and digital

technology. To what extent did the private sector cooperate with the Government's efforts to enhance social protection?

47. In view of the fact that youth unemployment was very high, she asked what measures were being taken to enable young people to find employment. It would be interesting to learn whether Roma women, who found it particularly difficult to enter the labour market, would be provided with training to improve their chances of finding decent jobs.

48. Noting that refugees often experienced difficulties along the border with Greece, she asked what short-term measures were being taken to provide legal and humanitarian support to women refugees and asylum seekers. She wondered how many refugee women were given support, including in shelters, and what obstacles the State party faced in its efforts to uphold the right to asylum and grant refugees temporary residence status.

49. The Committee would welcome further information on any actions taken under the Romacted project of the European Union and Council of Europe to provide assistance to the Roma community.

50. **Ms. Shkrijelj** (The former Yugoslav Republic of Macedonia) said that her Government was working with NGOs in order to give vulnerable groups the opportunity to participate in the drafting of policies and programmes that concerned them. Steps had been taken to identify the laws that needed to be amended to ensure that women's rights to own and inherit property were protected. In order to facilitate rural women's entry into the workforce, efforts had been made to free them from unpaid care work by enhancing access to childcare, including through the introduction of registered childminders who worked out of their homes, and to care for older persons. New kindergartens had been opened in rural areas with limited access to childcare services and high rates of unemployment among women.

51. The Ministry of Finance provided grants to promote entrepreneurship among women. In addition, a strategy for supporting women entrepreneurs would soon be rolled out. The Ministry of Labour and Social Policy had drafted a document containing policies on employment and self-employment. In accordance with the established regulations, at least 40 per cent of the beneficiaries of those policies were required to be women.

52. The former Yugoslav Republic of Macedonia was the first non-member of the European Union to have begun implementing the European Union Youth Guarantee Programme. That programme, which was being piloted in three municipalities, was aimed at facilitating entry into the labour market for young people not in education, employment or training. In cooperation with youth organizations, youth workers were made responsible for identifying potential beneficiaries of the programme and including them in the measures established under it. Equal numbers of boys and girls were participating in the programme and the results obtained to date had exceeded expectations. In 2019, the budget allocated to the programme would be increased so that it could be extended to the entire country.

53. **Ms. Kamberi** (The former Yugoslav Republic of Macedonia) said that over 300 Roma, including 158 women, were participating in the European Union Youth Guarantee Programme. The employment prospects of young Roma had also benefited from the strategy for the Roma community in the country under which new jobs and internships had been created, grants had been made available to promote self-employment and training had been provided in certain occupations and trades.

54. Almost 6,000 Roma, including around 300 women, had registered with the Agency for Employment. The Romacted programme had been initiated in March 2019 in conjunction with the Ministry of Labour and Social Policy and 14 municipalities. A representative of a Roma NGO had been appointed as the focal point for the programme, under which efforts were being made to strengthen the capacity of institutions at the local level and assess the results of local action plans.

55. **Ms. Carovska** (The former Yugoslav Republic of Macedonia) said that persons entering the former Yugoslav Republic of Macedonia who applied for asylum or temporary residency were provided with all the necessary services, including access to health care and education. A number of such persons were employed in the social protection system as

interpreters and fulfilled other functions. Conditions and staffing levels at the centre for asylum seekers had been enhanced.

Articles 15 and 16

56. **The Chair** said that, despite the obvious political will to improve women's rights shown by the delegation throughout the dialogue, no significant steps had been taken to combat child marriage during the reporting period. Although the legislation governing marriage was fairly robust, in that it established a minimum age for marriage of 18 years and provided that persons of 16 and 17 years of age could marry only with a court order, the enforcement of the law left much to be desired, possibly because there was no mandatory requirement for marriages to be registered. In view of that situation, she wished to know how the prohibition of child marriage was currently being enforced and whether the Government would consider making it mandatory for all marriages to be registered. It was not clear whether article 197 of the Criminal Code, which criminalized de facto marriage between an adult and a child aged 14 to 16, also covered children over 16 and other forms of child marriage. She wished to know whether there were other provisions of the law that dealt with the matter. The Committee would welcome information on the number of prosecutions initiated and convictions secured under the article. It wondered whether the Government was aware that an increasing number of child brides from less-developed parts of the country were being purchased in what amounted to a form of domestic human trafficking.

57. The Committee would welcome clarification of the delegation's comments to the effect that the country's inheritance law would need to be amended in order to protect women's property rights. In its view, restrictions on the marital property rights of women resulted from traditions and customs rather than from any shortcomings in the relevant legislation.

58. Lastly, she wished to know whether the marital property considered when a couple applied for a divorce included pension rights, savings, severance payments or future earning potential.

59. **Ms. Kikerekova** (The former Yugoslav Republic of Macedonia) said that, although the majority of child marriages took place within the Roma community, and were motivated by poverty, social exclusion and cultural norms, the Government was taking steps to protect the rights of all children as no tradition was above the law. Under article 197 of the Criminal Code, punishments were imposed on any adult living in an intimate relationship with a child between the ages of 14 and 16 years and on any parent or guardian who allowed such a relationship to take place. Steps would be taken to extend the scope of article 197 to persons of 16 and 17 years of age and their parents and guardians. In order to comprehensively tackle the problem of child marriage, however, a multisectoral approach would need to be taken. In that regard, it would be necessary to conduct awareness-raising campaigns on child marriage, develop a programme on the prevention of that practice and train professionals who worked with families and children.

60. **Ms. Spasovska** (The former Yugoslav Republic of Macedonia) said that the Government would take steps to ensure that child marriages never took place and that all children were protected against abuse and neglect. The Family Act established that any person wishing to marry must be at least 18 years of age unless he or she had obtained a court order and medical authorization. In view of the fact that child marriage was a problem that required a multisectoral approach, a national coordination body for the protection of children had been established. In 2017, that body had conducted a comprehensive study of State mechanisms aimed at combating child marriage in conjunction with UNICEF. In the light of the study, consideration was being given to the legislative changes required to protect children from all forms of violence. The capacities of the institutions responsible for monitoring violence against children had been increased in order to enable them to collect data on acts of violence against children. In conjunction with UNICEF, additional training was being provided to the staff of the bodies responsible for combating violence against children in all municipalities.

61. **Ms. Shkrijelj** (The former Yugoslav Republic of Macedonia) said that the existing law on marital property provided that all property accumulated during the marriage must be distributed equally in the event of divorce. Patriarchal attitudes posed the main challenge to the property rights of women, who sometimes abandoned their rights in favour of their brothers. In order to combat such attitudes, efforts would be made to raise women's awareness of their rights. Women sometimes found it difficult to prove that property registered in a husband's name had been accumulated during the marriage and were sometimes left with nothing when they divorced. In order to address that problem, legislative changes would be made to enable property accumulated during a marriage to be reregistered as joint property, subject to the written agreement of both parties.

62. **The Chair** said that she had still not received answers to her questions concerning prosecutions brought under article 197 of the Criminal Code. In view of the fact that women might find it very difficult to obtain their husband's consent when reregistering property as joint property, she asked whether any other measures had been implemented to protect women's property rights. The Committee would be interested to learn whether the courts were instructed to take allegations or occurrences of domestic violence against mothers into account in decisions relating to the custody of children.

63. **Ms. Spasovska** (The former Yugoslav Republic of Macedonia) said that the courts were required to take allegations of domestic violence into account in decisions relating to the custody of children. When a couple with children divorced, centres for social work considered each individual case and made recommendations to the courts concerning custody that always took the best interests of the child into account. The professionals who considered such cases were equipped with legislative tools to assess the level of domestic violence taking place.

64. **Ms. Shkrijelj** (The former Yugoslav Republic of Macedonia) said that the parties to a marriage were required by law to reregister any property accumulated during the marriage as joint property. Pension rights were not included in the marital property distributed between a couple in the event of divorce. However, all citizens of the former Yugoslav Republic of Macedonia were entitled to a minimum State pension.

65. **The Chair** said that, where the issue of marital property was concerned, the Government should consider the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution.

66. **Ms. Carovska** (The former Yugoslav Republic of Macedonia) said that she wished to thank the Committee members for the questions that they had asked. The delegation had shown that there was a political will to advance women's rights, which the Government would continue to do in collaboration with non-governmental organizations.

The meeting rose at 5.25 p.m.

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Summary record of the 1647th meeting
Held at the Palais des Nations, Geneva, on Friday, 2 November 2018, at 10 a.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of the Lao People's Democratic Republic

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of the Lao People's Democratic Republic (CEDAW/C/LAO/8-9; CEDAW/C/LAO/Q/8-9 and CEDAW/C/LAO/Q/8-9/Add.1)

1. *At the invitation of the Chair, the delegation of the Lao People's Democratic Republic took places at the Committee table.*

2. **Mr. Kittikhoun** (Lao People's Democratic Republic), introducing the combined eighth and ninth periodic reports of the Lao People's Democratic Republic (CEDAW/C/LAO/8-9), said that all the Committee's recommendations on the State party's previous report had been translated into Lao and disseminated to government officials, stakeholders and the general public. Through the National Commission for the Advancement of Women, Mothers and Children, ministries and other State bodies at the central and local levels had been tasked with the implementation of the recommendations relating to their respective roles and functions. Many of the recommendations had also been integrated into the previous and current five-year National Socioeconomic Development Plans and were being implemented through policies, laws, strategies and action programmes.

3. The National Commission for the Advancement of Women played a key role in the promotion of gender equality and the elimination of discrimination against women. It had prepared the periodic report in coordination with the relevant government agencies and, in collaboration with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), had organized consultation workshops with development partners, international non-governmental organizations (NGOs) and civil society organizations working in the field of women's rights.

4. The Lao People's Democratic Republic was a multi-ethnic nation and its Constitution and legislation encouraged solidarity, non-discrimination and equal treatment of all ethnic groups; any acts that undermined solidarity among ethnic groups were punishable by law. The rights of women, children and persons with disabilities were protected and promoted under the Constitution and under legislation such as the Law on the Development and Protection of Women, the Law on Preventing and Combating Violence against Women and Children and the Law on Anti-Trafficking in Persons. Under the amended Law on the State Budget, all sectors were required to allocate a budget for gender equality. Women's interests were also safeguarded under the Law on Labour and the Law on Civil Servants, which provided for maternity and paternity leave.

5. With the aim of providing better services to women, the authorities continued to improve governance and public administration in order to ensure greater effectiveness, transparency, accountability and participation. Of particular note was the strengthening of the rule of law in line with the declaration on the rule of law at the national and international levels, which had been adopted by the United Nations General Assembly in 2012.

6. Two national studies on violence against women had been carried out: the second Lao Social Indicator Survey and a study aimed at estimating the resource requirements for a minimum package of essential services for women experiencing violence in the Lao People's Democratic Republic. The findings of both studies had been incorporated into the national database and made available to the public.

7. Most of the Sustainable Development Goals and most of the Committee's recommendations had been integrated into the current National Socioeconomic Development Plan and were being progressively realized.

8. At the regional level, his country had contributed to the development of women's rights in the Association of Southeast Asian Nations (ASEAN) in terms of institution-building and standard-setting. It was a member of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children and had helped to draft the

ASEAN Human Rights Declaration and other declarations relevant to the promotion and protection of women's rights and interests.

Articles 1 to 6

9. **Ms. Song**, commending the State party on the numerous new legislative provisions it had adopted to combat discrimination against women, asked what measures were in place to ensure that they were effectively implemented and genuinely of benefit to women. She asked how many complaints had been filed under the Law on Preventing and Combating Violence against Women and Children, how many prosecutions had ensued and what penalties had been imposed under the relevant provisions of the Penal Code. Were complainants entitled to compensation? She would also like to know whether the definition set forth in the Law on Preventing and Combating Violence against Women and Children and the penalties established in the Penal Code also applied in the private sector.

10. Noting that, under the Law on the Handling of Petitions, there were three mechanisms of redress available to persons who deemed that their rights and freedoms had been violated by State officials, she asked what steps had been taken to encourage women to lodge complaints without fear and whether victims had access to the victim and witness assistance and protection programmes. She also wondered whether there were any plans to conduct an evaluation of the effectiveness of those mechanisms.

11. She asked the delegation to comment on reports that women living in rural areas and members of the numerous ethnic minorities had difficulty in obtaining and understanding information on laws, policies, programmes and projects. Much of the information on policy, for example, was not available online or in languages other than Lao. What measures were in place to improve women's access to such information, particularly women in rural areas and women members of ethnic minorities?

12. **Mr. Boupha** (Lao People's Democratic Republic) said that, once a law had been promulgated, the Government attached high priority to the dissemination of information to ensure that women understood their rights and obligations in relation to the law. Such information was disseminated through the Government's legislation website, via ministries, on television and other media, and in the Official Gazette. The National Commission for the Advancement of Women, Mothers and Children also played an important role at both the central and local levels in ensuring that the general public understood legislation concerning women.

13. The provincial people's assemblies constituted one of the mechanisms for ensuring access to justice at the local level. Each assembly had a women's caucus that monitored issues and complaints raised by women. The provincial assembly could provide remedies in accordance with the circumstances of the case.

14. With support from the European Union, the United Nations Development Programme (UNDP) and NGOs, access to justice had been improved through the opening of legal aid offices in 11 of the country's 18 provinces. The offices provided legal information to those who found it difficult to obtain.

15. **Ms. Song** said that she would like to know whether the country's village mediation units were subject to regular inspections to ensure that women's rights were upheld and not compromised. Was training provided to members of the units in order to raise their gender sensitivity and equip them to handle disputes fairly?

16. Lastly, in view of the Committee's position that women were a driving force for sustainable development, she wished to commend the State party for the progress it had made in involving women in its efforts to achieve the Sustainable Development Goals.

17. **Mr. Boupha** (Lao People's Democratic Republic) said that the village mediation units were evaluated annually and, with support from various international donors, training was also conducted.

18. **Mr. Khammoungkhoun** (Lao People's Democratic Republic) said that his Government had achieved nearly 60 per cent of the Sustainable Development Goal targets incorporated into the current National Socioeconomic Development Plan; the remainder

would be incorporated into the next two Plans. The Government took a gender-based approach to social development, particularly in relation to health and education. Recently it had held a national workshop at which the role of women in the achievement of the Sustainable Development Goals had been highlighted.

19. **Ms. Phonethip** (Lao People's Democratic Republic) said that the National Commission for the Advancement of Women, Mothers and Children had incorporated Sustainable Development Goal 5, along with the Committee's recommendations, into relevant policy and legislation, as well as into the National Strategy for Gender Equality 2016–2025, the third Five-Year National Action Plan for Gender Equality 2016–2020 and the National Action Plan on Prevention and Elimination of Violence against Women and Children.

20. **Mr. Boupha** (Lao People's Democratic Republic) said that no statistics were yet available on complaints under the Law on Preventing and Combating Violence against Women and Children, as it had not entered into force until the previous day, 1 November 2018.

21. **Ms. Haidar** said that, notwithstanding the State party's efforts to improve gender equality, much remained to be done to achieve the de jure and de facto equality of women. She therefore wished to know what impact the 2016 merger of the National Commission for Mothers and Children and the National Commission for the Advancement of Women — to create the National Commission for the Advancement of Women, Mothers and Children — had had on the effectiveness of the national machinery for the advancement of women. The fact that the Commission now addressed issues relating to women, mothers and children could perpetuate the stereotypical view that women were citizens only through their social role as mothers and that they had sole responsibility for raising children. She would like to know whether any steps were being taken to remedy that misconception, whether the new Commission had a clearly defined mandate and what human, financial and technical resources had been allocated to it for the fulfilment of its objectives.

22. She noted that the Lao Women's Union was responsible for promoting women's rights, on the one hand, and preserving cultural traditions, on the other. She wondered how the Union balanced that dual role and ensured that it did not allow social and cultural barriers to women's advancement to persist.

23. The Committee was concerned to note that in 2017 the Government had adopted a decree on associations that restricted freedom of association and limited civic space in the State party. She urged the Government to consider amending that decree to bring it into line with international human rights law, under which the freedoms of association and expression were fundamental rights. Lastly, she noted that, although the State party had a number of separate mechanisms working to promote human rights, it had not yet established an independent national human rights institution. She wondered whether the Government would consider doing so, since such an institution could serve as a link between the State and civil society and could provide the global perspective that was currently missing.

24. **Ms. Eghobamien-Mshelia**, noting the information provided in paragraphs 32–38 of the State party's report, regarding the temporary special measures taken to integrate gender into all areas of decision-making, said that she wondered whether the meaning and scope of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendations Nos. 5 (1988) and 25 (2004) on temporary special measures, had been fully understood. Temporary special measures were aimed at accelerating de facto equality between women and men in all areas of life, not just in decision-making. She wished to know what temporary special measures had been taken to achieve gender equality in other areas of life, such as health, education and employment; to address intersectional forms of discrimination; and to combat rights violations, vertical and horizontal segregation and the systematic exclusion of women and girls. She asked why the targets for women's representation in decision-making were so low, at just 20 per cent, and what time frame had been set, and incentives put in place, for the achievement of those targets. It would also be useful to know what indicators had been set to benchmark performance and progress towards gender targets in the country's seventh and eighth five-

year National Socioeconomic Development Plans, whether any of the targets had been met and, if not, what additional measures were being taken for their achievement.

25. The State party had acknowledged that, in some ethnic groups, landownership and inheritance rights tended to favour men, but it had decided to allow those cultural practices to continue until the ethnic groups themselves were ready to change them. She pointed out that the State party had an obligation to ensure the full implementation of the Convention, including through the use of temporary special measures to dismantle barriers to de facto equality between women and men. That obligation could not, and should not, be left to the discretion of particular groups.

26. **Ms. Prathoumvanh** (Lao People's Democratic Republic) said that the decision to merge the National Commission for Mothers and Children with the National Commission for the Advancement of Women had been motivated by a desire to strengthen the national machinery for the advancement of women and ensure a more streamlined and coordinated approach to intersecting issues relating to women, mothers and children. Regarding State budget allocations, each line ministry was required to develop a sector-specific workplan on gender issues and, thus, to incorporate the advancement of women into its budget.

27. **Ms. Kittavong** (Lao People's Democratic Republic) said that she wished to emphasize that the various national bodies established in the Lao People's Democratic Republic to promote and protect human rights — such as the National Steering Committee on Human Rights, the National Commission for the Advancement of Women, Mothers and Children and the National Committee on Anti-Human Trafficking — were able to perform their functions in an independent manner. For that reason, the Government considered that the establishment of a national human rights institution was not necessary at the current time.

28. **Ms. Phonethip** (Lao People's Democratic Republic), replying to the question on measures taken to achieve the 20-per-cent target for women's representation in decision-making, said that in January 2018 the Government had issued a resolution establishing the criteria for the selection of senior officials at all levels of administration. The Government was currently drafting instructions to aid in the implementation of that resolution and to achieve the participation of women of all ethnic backgrounds. Moreover, the Lao Women's Union disseminated information on that resolution and actively encouraged women to take steps towards increasing their representation.

29. **Ms. Haidar** said that, while she appreciated the information on the reasons for merging the two National Commissions, the question she had asked was whether doing so had yielded any specific improvements in the functioning of the national machinery for the advancement of women. She also wished to know what percentage of the State budget was allocated for gender equality and whether the Government had considered adopting the gender-responsive budgeting approach. She would also welcome a reply to her question as to whether the Government planned to amend the decree on associations in order to bring it into line with international human rights law.

30. **Ms. Eghobamien-Mshelia** said that she would be grateful for a reply to her question regarding the implementation of temporary special measures in areas other than decision-making. She would welcome more information about the 2014–2025 women's advancement strategy of the Ministry of Public Works and Transport. In particular, she wondered what budget had been allocated for its implementation and whether the objective was simply to increase women's participation or to involve women fully as important stakeholders in the water and sanitation sector. Lastly, since the report contained very few statistics, it would be helpful to know how the State party monitored and evaluated the implementation of its gender policies, strategies and action plans.

31. **Mr. Khammoungkhoun** (Lao People's Democratic Republic) said that there were no measures limiting civil society's involvement in the country's socioeconomic development. Indeed, the aim of Decree No. 238, on associations, was to facilitate the work of civil society. In order to carry out their activities, civil society organizations were required to work with government partners in the relevant sectors and to have the necessary documentation for registration with the Ministry of Home Affairs. Clear guidelines had been issued to help make it easier for civil society organizations to comply with the Decree.

including with regard to the receipt of funds from foreign donors and development partners. Lastly, the Constitution expressly provided for citizens' right to exercise freedom of expression, to set up associations and to stage demonstrations that were not contrary to the laws of the land.

32. **Ms. Phonethip** (Lao People's Democratic Republic) said that the Law on the State Budget provided that all budgetary expenditure must ensure gender equality. As a result, all ministries were required to incorporate the gender perspective into their budgets and to earmark funding specifically for gender-related activities. Workshops were being held for officials working at the central and provincial levels to improve their understanding of gender budgeting.

33. The Government had developed sector-specific indicators in order to monitor and evaluate the implementation of its national action plans and other measures, including temporary special measures. In that connection, the 20-per-cent target for women's representation applied to all sectors; thus, each ministry was responsible for implementing its own action plan to achieve that goal.

34. **Ms. Eghobamien-Mshelia**, noting that she had not heard from the delegation regarding the State party's obligation to remove traditional cultural barriers to women's equality, said that she urged the Government to take steps to eliminate traditional practices that discriminated against women. On another note, she would like to know how the sectors identified as gender priorities under the current National Socioeconomic Development Plan had been selected and whether women's representative organizations or other groups had been consulted as part of the process.

35. **Ms. Chantharanonh** (Lao People's Democratic Republic), referring to the question on ethnic minority women's right to own land, said that spouses had equal rights to the marital home. By law, the names of both husband and wife were to be registered on title deeds. In that connection, a number of organizations worked with ethnic groups to inform them of the legislation in force and promote gender equality. It took time to modify traditional practices; however, steps were being taken to bring about cultural changes, in particular through the sharing of information.

36. The process for determining sector-specific gender priorities included consultations and discussions, which took place from the grass-roots level upward. That bottom-up approach had highlighted issues such as the need to ensure that rural women and poor families had direct access to water and sanitation, an objective that was incorporated into the 2014–2025 women's advancement strategy of the Ministry of Public Works and Transport.

37. **Ms. Rana** said that the results of the 2014 national survey on women's health and life experiences, which had found that patriarchal attitudes were deeply embedded among both men and women in Lao society, highlighted the need for more rigorous long-term investment to change societal attitudes and raise public awareness of the root causes of gender-based discrimination. She would like to know whether the State party would consider developing and adopting a comprehensive national strategy to eliminate gender discrimination, stereotypes and harmful practices. She would be interested to hear whether studies had been conducted to detect any gender stereotypes in school textbooks and curricula, and whether teachers had received training in that regard. What programmes were in place to engage men and boys in tackling the issue?

38. Noting that the Government relied on influential leaders of the different ethnic groups to maintain harmony in society, she wondered how many such leaders were women. It would be helpful to know what targeted programmes had been developed to encourage such leaders to exert a positive and gender-sensitive influence on their communities. A large number of media campaigns had been launched to raise awareness of the Convention; it would be useful to have information as to how such campaigns were designed, whether civil society provided input and what percentage of media professionals were women. Did the campaigns address the stigmatization of victims of violence? She invited the delegation to submit evidence of the impact of those campaigns.

39. She was heartened to note that the Law on Preventing and Combating Violence against Women and Children recognized marital rape as a crime and established appropriate penalties. She would appreciate examples of court cases in which that law had been applied and would be interested to learn whether its definition of rape covered non-consensual sexual relations of any type. She remained concerned, however, that the law distinguished between minor and major incidents of violence and provided for alternative dispute resolution mechanisms, including family mediation through village mediation units, which were mainly composed of men. The failure to impose penalties for minor offences had the effect of legitimizing violence. She wished to know whether the State party would consider removing the distinction between minor and serious offences to bring the law into line with the Convention. She asked how the Government planned to provide clearer and more effective protection in civil and criminal proceedings for women and children who were victims of violence and whether it would consider establishing a detailed protocol on the enforcement of the law's provisions by the courts and the police.

40. **Ms. Jahan** said that both cross-border and domestic trafficking in women and girls continued to be a significant problem. Domestic trafficking from rural areas was on the rise, and there were reports that victims of forced and fraudulent marriages abroad were often subsequently forced into prostitution. Expressing concern about the lack of a formal mechanism to monitor trafficking and exploitation of prostitution, she asked what measures, such as increased budgetary and human resources or increased NGO participation, were envisaged to reinvigorate interministerial coordination in the implementation of the national action plan for combating human trafficking. It would also be helpful to know whether the national action plan adequately incorporated a gender perspective that focused on the special needs of women victims, and whether systematic campaigns were carried out to raise the awareness of women and children in rural and poverty-stricken areas about the risks of human trafficking and illegal and unsafe migration. She wondered whether law enforcement personnel and judicial officials received systematic training and capacity-building, with a focus on gender-sensitive procedures, to ensure effective identification and referral of victims and the appropriate investigation and prosecution of cases. In the light of reports on the prevalence of corruption and complicity by officials in human trafficking, she would welcome examples of any disciplinary measures imposed on such officials under article 87 of the anti-trafficking law.

41. It was reported that the State party had become a popular destination for international surrogacy arrangements, especially since neighbouring countries such as Cambodia and Thailand had taken restrictive measures while the Lao People's Democratic Republic had not. She wished to hear what legal measures, based on the best practices of other countries in the region, would be taken in order to regulate surrogacy and guard against the sale of children and the exploitation of women.

42. Noting that there was substantial evidence of organized prostitution in the State party and that it might involve trafficked women and girls, she asked what effective legal safeguards were in place to ensure that women in prostitution were not criminalized, given that commercial sex work was a criminal offence. Information on the stringent measures adopted by local authorities and municipalities to regulate the activities of adult entertainment outlets through regular monitoring and inspections would be useful. She would also appreciate information on the efforts undertaken to discourage the demand for prostitution, as recommended by the Committee in its previous concluding observations (CEDAW/C/LAO/CO/7, para. 30). Lastly, she invited the delegation to give details on the measures envisaged and/or in place to support women and girls who wished to leave prostitution.

43. **Ms. Phonethip** (Lao People's Democratic Republic) said that the Law on Preventing and Combating Violence against Women and Children had been drafted on the basis of the findings of the 2014 survey. Advocacy and awareness-raising campaigns were conducted to prevent violence against women and girls. For example, events had been organized every year since 2011 to commemorate the International Day for the Elimination of Violence against Women.

44. The issue of violence was covered by school textbooks to raise awareness among children from a young age, and the Ministry of Education and Sports trained teachers

nationwide on the subject of violence against women. The Lao Women's Union regularly broadcast radio programmes in Lao and in minority languages to address gender-based violence in rural communities. Budget constraints meant that the Government had to focus on priority activities in that area. After the Law on Preventing and Combating Violence against Women and Children had been adopted, the National Commission for the Advancement of Women had worked with female parliamentarians to disseminate information on the law by organizing workshops and seminars with members of the Women's Union, community leaders and other stakeholders.

45. **Mr. Boupha** (Lao People's Democratic Republic) said that offences under the Law on Preventing and Combating Violence against Women and Children and the anti-trafficking law had been incorporated into the Penal Code. Perpetrators of such offences were brought to justice, whether they lived in rural communities or elsewhere; between 2010 and 2013, for example, there had been over 700 prosecutions for violence against women. The sale of children, fraudulent marriages and surrogacy for the purpose of human trafficking were considered offences under both the anti-trafficking law and the Penal Code and were punished accordingly.

46. **Ms. Chantharanonh** (Lao People's Democratic Republic) said that the Government's efforts to combat violence against women had consisted of three stages. First, the survey on violence had been conducted; then the action plan had been developed; and finally the law on combating violence against women had been drafted. According to the indicators used to monitor the implementation of the law and the action plan, the number of violence cases had decreased owing to greater public awareness of what constituted rape and gender-based violence. The Government worked to raise the awareness of ethnic minority communities across the country with respect to the issue of violence against women. At the local level, village committees had been set up and projects had been developed by non-profit associations offering legal advice. In schools, both students and teachers received education and training on issues related to violence against women and children. Not all cases of domestic violence were brought before the village mediation units. Advisory teams existed at the village level to inform victims of their options vis-à-vis legal action or mediation. It was for the person concerned to decide whether to resort to mediation or to legal proceedings.

47. The National Committee on Anti-Human Trafficking worked with the police and the Lao Women's Union to conduct monthly inspections of premises where trafficking victims were commonly found, such as bars and hotels. When cases of human trafficking were discovered on such premises, the owner faced penalties and the premises could be shut down. Inspections to tackle forced labour were also carried out by a labour inspection committee, in collaboration with the Ministry of Labour and Social Welfare and trade unions. When complaints of forced labour were filed, those bodies also gave advice on how the complainants could avail themselves of the justice system. The Lao People's Democratic Republic cooperated with neighbouring countries and ASEAN in preventing violence against women. The country had adopted regional and national programmes in that connection, including the ASEAN Regional Plan of Action on the Elimination of Violence against Women.

48. **Ms. Rana** said she was aware that mediation was not mandatory, but many cases were still brought before village mediation units. She would appreciate information as to the composition of those units. Were they required to provide for the proportional representation of women?

49. In view of the lack of disaggregated data on violence against women, she wondered whether the State party planned to establish a system for the regular collection of data disaggregated by type of violence, ethnic group and the circumstances in which instances of violence took place. Given that the State party had indicated that budget constraints prevented it from carrying out consistent, broad dissemination and training on the law on violence against women, she wondered whether the Government intended to ensure sufficient funding in the future by reviewing its budget allocations. Lastly, she asked whether there were separate shelters for victims of violence and survivors of human trafficking.

50. **Ms. Jahan** said that she would be interested to hear whether the Government planned to set up dedicated shelters for victims of human trafficking that would provide long-term support. She would like to know how NGOs and civil society organizations were involved in the work of the anti-trafficking committees at the local level.

51. **Ms. Chantharanonh** (Lao People's Democratic Republic) said that village mediation units consisted of teachers, health-care workers and village administrators, including women. They were given three-month training courses on the law and on victim support.

52. As the conduct of separate surveys on violence against women was very expensive, the Government had selected key indicators from existing data sources in order to monitor that phenomenon, in collaboration with the World Health Organization (WHO), UN-Women and the United Nations Children's Fund (UNICEF). As a result of those efforts, the country should be able to provide more data in its next periodic report.

53. There were four shelters in the nation's capital, Vientiane, and in nearby provinces with a high incidence of human trafficking. Each shelter provided specific services geared towards the needs of the victims. For example, some offered intensive medical and psychological care for persons who had suffered trauma, and others provided education and training to reintegrate trafficking victims into society. However, the shelters accommodated both domestic violence victims and human trafficking victims.

54. **Mr. Boupha** (Lao People's Democratic Republic) said that village mediation units only dealt with minor offences. The units' staff were adequately trained and their decisions were based on the law, not on traditional or cultural norms. Serious criminal cases were always referred to the criminal justice system. Lastly, article 215 of the new Penal Code criminalized surrogacy for the purposes of human trafficking.

55. **Mr. Kittikhoun** (Lao People's Democratic Republic) said that the Government would discuss the Committee's comments in respect of surrogacy for the purpose of trafficking and would review article 215 of the Penal Code in light of those comments.

Articles 7 to 9

56. **Ms. Song** said that she would like to know the reasons for the low representation of women in leadership positions at the local level and what measures, including temporary special measures, the Government would take to achieve the National Socioeconomic Development Plan targets for women's participation in political life and in leadership positions. She would like to know whether training or capacity-building was provided to women who wished to hold public office or senior management posts, and how many women had been appointed as judges. Had the State party set targets for women's representation on the executive boards of enterprises, especially large enterprises? What measures were in place to increase the number of women in the diplomatic service and in senior diplomatic posts?

57. **Ms. Prathoumvanh** (Lao People's Democratic Republic) said that poverty, cultural traditions and insufficient levels of education prevented women in rural areas from reaching leadership positions at the local level. The Government was seeking to promote education and to raise awareness of gender equality in rural areas. There was a rule that every election to fill vacancies in village-level public authorities must include at least one woman candidate, and the election process was weighted in favour of women candidates. Training was available for women who held or aspired to hold leadership positions. There were considerably fewer female than male judges, but female law students currently outnumbered their male counterparts, meaning that the balance of female to male judges would later shift in favour of women. Women occupied management positions in 70 to 80 per cent of small businesses, but were less likely to occupy such positions in medium and large enterprises. The Government was promoting small and medium-sized enterprises and had made business loans available to women on favourable terms. In the diplomatic service, it was now obligatory for a woman to be included in every delegation. The number of women ambassadors had increased, as had the number of women members of diplomatic missions in general.

58. **Ms. Song** asked whether political parties had a quota system in place to encourage participation by women.

59. **Ms. Prathoumvanh** (Lao People's Democratic Republic) said that there was a quota system in the National Assembly and in political parties, but capacity-building for women was required before those quotas could be implemented fully, to ensure that women did not obtain posts simply on the basis of the quota.

60. **Mr. Kittikhoun** (Lao People's Democratic Republic) said that each State body and each political party had its own specific targets.

61. **Ms. Gabr** said that article 23 of the Law on Nationality contained wording to the effect that children who were over 15 but less than 18 years of age and married in accordance with the laws could, if their parents were of different nationalities, choose to adopt the nationality of either parent. That provision was inconsistent with the Convention on the Rights of the Child, to which the Lao People's Democratic Republic was a party, as it implied that a person under 18 years of age could be legally married. She would welcome clarification of that issue.

62. In the State party, especially in rural areas where levels of illiteracy were higher, it was often the case that births were registered only in personal records and not in public records. That was not equivalent to the issuance of a birth certificate. She would like to know whether the State party was conducting awareness-raising campaigns or taking other measures in rural areas to address that problem, and would appreciate information on the role of the village chiefs in birth registration and on the steps taken to encourage birth registration among ethnic minority groups.

63. **Ms. Chantharanonh** (Lao People's Democratic Republic) said that in rural areas, births were reported to the village chief, who passed the information on to the district registry office. Persons living in rural or ethnic minority communities did not always collect their children's birth certificates from the district office, but the births had nonetheless been registered.

64. **Ms. Gabr**, noting that the Lao People's Democratic Republic had the highest rate of early marriage of all the ASEAN countries, said that awareness-raising campaigns should be launched to alert young mothers, especially those in rural and ethnic minority communities, to the importance of birth registration. She asked once more whether article 23 of the Law on Nationality implied that children under the age of 18 years could legally marry in the State party.

65. **Mr. Boupha** (Lao People's Democratic Republic) said that the Penal Code prohibited the marriage of persons under 18 years of age, and provided for sanctions for that offence.

Articles 10 to 14

66. **Ms. Gbedemah** said that she would like to know whether the National Action Plan on Education for All 2003–2015 had been evaluated and, if so, what the findings had been. Order and Recommendation No. 1293/MES of 2012 provided for free and compulsory primary education in the State party. Yet in practice, parents were obliged to pay secondary costs, with roughly half of all schools imposing such costs. She asked how the Order was being enforced and whether penalties were imposed in respect of violations. Expenditure on education had increased, but the non-salary operating budget was still too low. She would like to know what steps the Government was taking to address that question.

67. The State party had provided information showing that girls' enrolment rates had increased, but the Committee would also appreciate information on retention, progression and attrition rates. Had the goal of gender equality in primary education by 2015 been achieved? She would like to know when specific data would be available on the dropout rate for girls, and especially on cases where pregnancy was involved. Traditional attitudes meant that girls were frequently required to perform domestic tasks in the home. She wondered whether the education system had considered enabling girls to complete their homework by keeping them at school or taking other measures to allow them to concentrate

on their education, such as reaching out to parents to encourage them to give equal weight to the education of both sons and daughters.

68. She asked whether the State party had implemented the Committee's previous concluding observations (CEDAW/C/LAO/CO/7) in respect of multilingual education and the possibility of sending university student volunteers to rural ethnic minority villages to teach Lao and, if so, what the impact had been; she would also appreciate information on literacy and enrolment rates among ethnic minorities. The State party had reported that funding had been made available to enable members of ethnic minorities to earn qualifications as primary school teachers. She would like to know the impact of that measure and whether those students' instruction included the multigrade methodology or other teaching or learning approaches tailored to their circumstances.

69. She asked how many schools had been built in the Lao People's Democratic Republic, how many girls had enrolled and what their retention rates had been. She would like to know how many schools failed to provide the five statutory primary school grades and what measures were being taken to ensure that they did so. Was the State party considering the use of temporary special measures to ensure that women attained their educational goals and were encouraged to take up fields of study that were traditionally dominated by men? She asked why only 25 per cent of the Asian Development Bank vocational education subsidies had been reserved for women, instead of 50 per cent, especially in areas where women were underrepresented. Temporary special measures could prove useful in that connection. She would like to know whether adult education programmes were in place to address the problem of low literacy among women. Currently, children completed primary school at the age of 12 but could not take up paid employment until the age of 15. Would the Government take steps to synchronize the end of schooling with the age of employment?

70. **Mr. Bergby** asked whether the State party could provide a time frame for its intended accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Lao People's Democratic Republic had ratified eight International Labour Organization (ILO) Conventions, but he would like to know whether a road map was in place for the ratification of other important ILO Conventions, including the Maternity Protection Convention, 2000 (No. 183), the Workers with Family Responsibilities Convention, 1981 (No. 156) and the Domestic Workers Convention, 2011 (No. 189).

71. He would like to receive information on the pay gap between men and women in the State party and on whether a study had been conducted to determine its root causes. In 2015, the minimum wage had been increased by 44 per cent. He would like to know whether the labour inspectorate, when checking to see whether enterprises were respecting the minimum wage, also checked to see whether women were being paid at the same rate as men. How did inspectors ensure that women belonging to vulnerable groups were not paid less than the minimum wage?

72. He wished to know the meaning of the indication, in the State party's replies to the Committee's list of issues (CEDAW/C/LAO/Q/8-9/Add.1), that women had the right to work in every manufacturing and service business that did not "conflict with the laws". He would also like to know which jobs women were not allowed to perform on the grounds that the work might harm their reproductive health. What had been the outcome of the programme to improve working conditions in the garment industry, which had been run in 12 factories? Could the results be applied to other factories, and could the programme be extended throughout the entire sector?

73. He would be grateful for statistics in respect of sexual harassment in the public and private sectors. He asked what measures had been taken to address sexual harassment and raise victims' awareness of the remedies available, and what penalties were applicable to perpetrators. The law appeared to refer only to sexual harassment by employers; he would be interested to know what measures applied when the harassment came from a co-worker.

74. Of the 105 days' paid maternity leave provided for in both the public and private sectors, at least 42 days must be taken after the woman gave birth. He asked whether that figure should be increased and whether the Government planned to assist the private sector

in paying for maternity leave. He would like to know the length of paternity leave, whether it was paid and whether it was mandatory in the State party. The retirement age for women was 55, while for men it was 60. The lower age for women might affect their ability to reach higher-ranking positions. He asked whether the State party might consider amending that rule and whether women could, if they so wished, continue working beyond the age of 55.

The meeting rose at 1 p.m.

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Summary record of the 1648th meeting
Held at the Palais des Nations, Geneva, on Friday, 2 November 2018, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of the Lao People's Democratic Republic (*continued*)

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of the Lao People's Democratic Republic (*continued*) (CEDAW/C/LAO/8-9; CEDAW/C/LAO/Q/8-9 and CEDAW/C/LAO/Q/8-9/Add.1)

1. *At the invitation of the Chair, the delegation of the Lao People's Democratic Republic took places at the Committee table.*

Articles 10 to 14 (*continued*)

2. **Ms. Chantharanonh** (Lao People's Democratic Republic) said that the National Action Plan on Education for All 2003–2015 was being assessed as part of a comprehensive review of the education sector and that a new plan was being formulated. An administration fund had been set up for the benefit of all State schools. Disaggregated statistics on school attendance and dropout rates were available on the website of the Ministry of Education and Sports. However, no information was available on the number of children who had used facilities built thanks to investments in school infrastructure. Programmes were in place to train learning support assistants who were fluent in ethnic minority languages.

3. The target of 25 per cent for the proportion of recipients of State subsidies for vocational education who were women was considered to be realistic and did not in any way prevent the achievement of a higher figure. Regarding adult literacy, a successful programme had been carried out at the village level. Under the amended Law on Education of 2015, the school leaving age had been set at 14 years, in line with the minimum age for employment.

4. **Ms. Phonethip** (Lao People's Democratic Republic) said that sexual violence, including sexual harassment in the workplace, was one of four types of violence defined in article 12 of the Law on Preventing and Combating Violence against Women and Children, the others being physical violence, psychological violence and economic abuse. According to data from the Centre for Counselling and Protection of Women and Children of the Central Lao Women's Union, in 2016–2017, there had not been any complaints of sexual harassment in the workplace. The Centre had provided support in 712 cases, in which some of the main issues had been divorce, marital property disputes and physical abuse. Perpetrators of sexual harassment in the workplace were punishable in accordance with article 12 of the Law on Preventing and Combating Violence against Women and Children.

5. **Ms. Kittavong** (Lao People's Democratic Republic) said that, to implement the gender equality workplan of the National Commission for the Advancement of Women, the Ministry of Foreign Affairs had established a ministerial commission for the advancement of women composed of 13 members, 6 of whom were women. There were currently five women ambassadors, and 30 per cent of all diplomats were women.

6. The Lao People's Democratic Republic had ratified five of the eight fundamental Conventions of the International Labour Organization (ILO), namely the Forced Labour Convention, 1930 (No. 29), the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182). Studies were being conducted with a view to the possible future ratification of the Maternity Protection Convention, 2000 (No. 183).

7. **Ms. Prathoumvanh** (Lao People's Democratic Republic) said that the retirement age was 60 years for both men and women, though women had the option of taking early retirement starting at the age of 55 years. Maternity leave lasted five months and paternity leave, one week. Fathers could be granted additional leave on an exceptional basis if their child required hospital treatment.

8. **Ms. Phonethip** (Lao People's Democratic Republic) said that article 45 of the amended Labour Law of 2013 enshrined the principle of equal pay for work of equal value

without any discrimination as to race, nationality, sex, age, religion, belief or socioeconomic status. That law also set out the minimum wages for rural and urban areas, compliance with which was monitored by trade unions.

9. **Ms. Gbedemah** said that, for the purpose of designing targeted measures, it was crucial to gather statistics on the number of cases in which pregnancy had been cited as the main reason for dropping out of school and on the number of children who had used facilities built thanks to investments in school infrastructure.

10. The 25-per-cent target for the proportion of recipients of vocational education subsidies who were women was too low; the message it conveyed was that such a percentage was appropriate.

11. The State party should study techniques and methodologies for handling multigrade classrooms, which were sometimes inevitable, particularly in rural areas with inadequate infrastructure. It should also adopt measures to change traditional attitudes concerning girls' role in the home and to encourage girls to do their homework at school.

12. While the recent increase in the number of women and girls entering vocational education was impressive, she would like to receive data disaggregated by subject, to see whether there had been a corresponding rise in the number of women and girls pursuing traditionally male-dominated careers.

13. **Mr. Bergby** said that he would be grateful for statistics on the gender pay gap in the State party, and asked whether, during inspections to ensure the effective implementation of minimum wage provisions, compliance with equal pay provisions was also monitored.

14. He would be interested to learn more about the programme concerning labour standards in the garment sector, mentioned in paragraph 65 of the State party's replies to the list of issues (CEDAW/C/LAO/Q/8-9/Add.1). In particular, he wished to know what the outcome of the programme had been, what use would be made of the results obtained and whether there were plans to expand the programme to cover the whole garment industry. Some reflections on why the duration of compulsory maternity leave after giving birth was only 42 days would also be appreciated.

15. **Ms. Phonethip** (Lao People's Democratic Republic) said that official figures on the gender pay gap were not currently available. However, the adoption of the amended Labour Law of 2013 reaffirmed the Government's commitment to upholding the principle of equal pay for work of equal value. Mr. Bergby's comments on maternity leave would be looked at carefully.

16. **Ms. Chantharanonh** (Lao People's Democratic Republic) said that statistics on school attendance and dropout rates and on investments in school infrastructure would be submitted to the Committee in writing.

17. **Ms. Phonethip** (Lao People's Democratic Republic) said that the programme on labour standards in the garment sector had been implemented by the Ministry of Labour and Social Welfare, which would need to be consulted before relevant information could be provided.

18. **Ms. Arocha Domínguez** said that she welcomed the State party's Eighth Health Sector Development Plan for the period 2016–2020 and the progress made during the reporting period with regard to several health indicators. However, a number of challenges remained. It would be useful to receive information on the specific causes of women's mortality and morbidity and to know what percentage of all deaths among women were maternal deaths. Details of programmes to prevent and treat breast and cervical cancer would also be appreciated.

19. Noting that the maternal mortality ratio in the State party remained very high, she asked what could be done to accelerate the reduction of that ratio, especially in remote and rural areas. She also asked how many maternal deaths were caused by abortion and how many abortions had been performed in cases where the life of the mother had been at risk, with that being the only recognized ground for legal termination of pregnancy in the State party. The delegation should explain whether abortion was accessible to women and girls, and provide information on clandestine and unsafe abortions, if any was available. In

particular, she wished to know how many maternal deaths were attributable to such abortions and whether there were plans to decriminalize abortion in cases of rape or incest, and in cases where the woman's mental health was endangered.

20. She did not get the impression, from reading the State party's report (CEDAW/C/LAO/8-9), that sex education was given the necessary priority by the Government. She would like to hear from the delegation in that regard.

21. Lastly, concerning HIV/AIDS, she asked why the prevalence among women was comparatively high, whether there were any specific programmes in place to protect women in at-risk groups and whether the laudable efforts of the AIDS Prevention Centre could continue to be funded in the event that the Global Fund to Fight AIDS, Tuberculosis and Malaria withdrew its financial backing.

22. **Ms. Chantharanonh** (Lao People's Democratic Republic) said that the high maternal mortality ratio was caused in part by the fact that, during the rainy season, the flooding of roads in rural areas made it difficult to transfer pregnant women to hospitals and health centres where they could give birth in safe conditions. In order to address that problem, a programme had been established whereby health workers in villages monitored the health of pregnant women and took steps to ensure that they received the necessary care. Under the same programme, villages were provided with basic medical equipment. Abortion was prohibited by law except in cases where the pregnancy posed a threat to the woman's health. Steps were being taken to collect data on the number of legal abortions that took place every year.

23. Information on the prevention of HIV/AIDS and other communicable diseases was provided to young people through mobile clinics and school visits that took place on World Red Cross and Red Crescent Day. Mobile clinics provided young people with screening for HIV/AIDS and other conditions. Health clinics established by the Lao Women's Union provided information to women on the prevention of communicable diseases, and sex education was taught through the media and educational programmes. Under HIV/AIDS prevention programmes, free condoms were distributed in bars, restaurants and other service outlets.

24. **Ms. Phonethip** (Lao People's Democratic Republic) said that the Ministry of Health, in conjunction with the Government of Luxembourg, the United Nations Children's Fund, the World Health Organization and the World Bank, was taking steps to train 1,500 midwives to work in health-care centres and district hospitals. The Ministry of Health was also carrying out a pilot project aimed at increasing support for pregnant women in remote areas. Sex education was provided to young people through radio programmes broadcast every Saturday and Sunday evening on the national radio station. Lastly, abortion was not permitted unless the pregnant woman's health was affected, including in cases where the pregnancy had been caused by rape.

25. **Ms. Arocha Domínguez** said that the Committee would welcome information on women's health issues other than those related to sexual and reproductive health. In particular, it would like to know how the main causes of morbidity and mortality for women compared to those for men and what impact the maternal mortality ratio had on the overall mortality rate for women. Given that incest or rape could cause serious harm to a woman's psychological health, she asked whether the Government would consider lifting the ban on abortion in cases where the pregnancy posed a threat to the woman's mental health. In view of the health risks faced by surrogate mothers, particularly when they were pressured into undergoing several pregnancies in close succession, the Government should ensure that any new law on surrogate pregnancy took such risks into account.

26. **Ms. Chantharanonh** (Lao People's Democratic Republic) said that the Government did not currently collect data on women's mortality in general.

27. **Ms. Bethel**, noting that most women who were poor or who worked in the informal economy had no social protection, said that she wished to know what measures were being taken to raise awareness, in all geographical areas, of women's rights under the law on social security. The State party should ensure that any such awareness-raising campaigns were conducted in the languages of the communities at which they were targeted.

28. The Committee would be interested to learn whether the State party would consider providing social protection to women in the informal and rural economies through the introduction of cash benefits for pregnant women, new mothers, women with disabilities and older women. She wondered whether the State party had incorporated gender equality concepts into all State-run agricultural initiatives, whether women's agricultural collectives were a key target beneficiary of economic benefits and whether such collectives played an equal role in decision-making in the agricultural sector.

29. The Committee would welcome information on the measures being taken to extend social security coverage to women in agricultural work who were unable to make voluntary contributions to the social security programme. What steps were being taken to establish a social protection floor in line with the ILO Social Protection Floors Recommendation, 2012 (No. 202)?

30. As women often faced barriers to financial resources and land acquisition, it would be interesting to learn what steps were being taken to ensure the sustainability of the support provided by women's savings groups and the Microfinance Institute and to facilitate access to financial resources, land use, landownership and income-generating activities. She wondered what measures would be taken to strengthen access to credit, control and ownership of assets and training in micro-business development and management and whether the Government would consider using temporary special measures to encourage more young women, rural women, women heads of household and women with disabilities to enter competitive markets and engage in income-generating activities.

31. Noting that women bore a disproportionate share of the burden of unpaid care work, she asked what was being done to recognize, reduce and redistribute unpaid care and domestic work carried out by women. In particular, she asked whether investments were being made in infrastructure and social services, including childcare, care for older persons, health care, education and transport. She wondered whether the State party had taken steps to collect quantitative data on women's unpaid work in the home and in family businesses and to ensure that such data were reflected in the gross domestic product. Had the Government adopted measures to promote the equal sharing of housework and childcare between parents?

32. Given that large-scale, long-term land leases and concessions to domestic and foreign investors often resulted in serious violations of women's rights, she asked whether the State party would consider increasing the transparency and accountability of the current system for approving and managing such arrangements. It would be interesting to learn whether the Government would consider creating an agency for effectively and impartially resolving land-related grievances and enforcing relevant laws and regulations. What was being done to address the environmental damage caused by mining and logging operations that depleted the country's natural resources and adversely affected women's right to a sustainable livelihood?

33. Noting that migrant workers wishing to enrol in social protection schemes faced significant obstacles, including documentation requirements, minimum qualifying periods and sectoral exclusions from social coverage, she asked what the Government was doing to facilitate access to such schemes for women migrant workers.

34. **Ms. Hofmeister** said that the Committee wished to know how the situation of rural women and girls compared with that of men in rural and remote areas. In the light of the Committee's general recommendation No. 34 (2016) on the rights of rural women, it would be interesting to receive information on campaigns aimed at raising awareness of women's rights, including their rights to fair pay for agricultural work and access to personal documents, health, health-care services, housing, landownership and reparations for the loss of land appropriated for public projects and mining operations.

35. As women and girls with disabilities were often subjected to multiple forms of discrimination, she asked what steps were being taken to enhance their access to inclusive education, health care, social welfare and transport in accordance with the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child. It would be interesting to learn whether a specific budget was allocated to the empowerment

of women and girls with disabilities and, if so, what the size of that budget was. She wondered whether assistance and rehabilitation were provided to women and girls who were victims of accidental explosions of ordnance and what was being done to reduce the risk posed by unexploded ordnance.

36. The Committee would welcome further information on any bilateral relations or agreements concerning migration and remigration between the State party and Thailand and on the treatment of the many ethnic and linguistic minorities living in the State party. The Committee wished to know what steps were being taken to decriminalize prostitution and combat the stigmatization of sex workers and persons living with HIV/AIDS. It would be interested in learning more about the situation of transgender women working in the sex industry and the treatment of lesbian, bisexual, transgender and intersex women by the police and State authorities.

37. **Ms. Prathoumvanh** (Lao People's Democratic Republic) said that campaigns to raise awareness of the rights of migrant workers were carried out on television, radio and other media. Lao citizens who were intending to migrate were advised to register with the authorities of the host country before migrating so that they could do so lawfully and reduce their risk of being subjected to labour exploitation or trafficking in persons. The Ministry of Labour and Social Welfare, the Lao Women's Union and various international organizations had cooperated to make a handbook on migration available to potential migrants. The Government had collaborated with the Governments of many Asian nations with a view to regularizing the status of migrant workers. National committees on migration had been created and officers representing the Ministry of Labour and Social Welfare had been stationed in destination countries to help Lao migrants to regularize their status.

38. **Ms. Chantharanonh** (Lao People's Democratic Republic) said that poor families in rural areas and villages were entitled to free health care at all government-run health facilities. There were still no cash transfer programmes, but schooling was free, and scholarships were available to schoolchildren from poor families.

39. The Lao Women's Union, which operated at the village level, provided access to credit. The Agricultural Promotion Bank also extended credit to women. In addition, the Ministry of Agriculture and Forestry awarded grants to entrepreneurs, including women.

40. Efforts to combat poverty among women heads of household, rural women and women with disabilities were an integral part of the promotion of investment in rural areas. Such women were also among the intended beneficiaries of the loans extended by the Poverty Reduction Fund. Civil society organizations carried out training and capacity-building initiatives for women with disabilities to help ensure that they could find work.

41. Responsibility for childcare was shared in ways that differed from one part of the country to another. In rural areas, women generally took care of children and did household chores such as cooking, while men worked in the rice paddies. In urban areas, responsibility for childcare was shared more equally.

42. **Mr. Khammoungkhoun** (Lao People's Democratic Republic) said that Committee members should take into account the information provided in the periodic reports submitted by the Government, not information obtained from unofficial websites. In addition, as a sovereign nation, the Lao People's Democratic Republic was free to choose its own political system.

43. More than 2 million bombs, some 30 per cent of which remained unexploded, had been dropped on the country, and they continued to harm innocent people in rural areas. Many of the people risking their lives to clear the land of unexploded ordnance were women.

44. Foreign direct investment and special economic zones were key drivers of the country's development. Land leases and concessions were regulated by a number of laws and official bodies. Steps had been taken to attract foreign direct investment, but at the same time the Government defended the interests of the local communities affected by economic development projects. A complaints mechanism was available to people who

were dissatisfied with the compensation they had received for the use of their land or other resources. The interests of the nation, however, would prevail over those of the individual.

45. Many villagers who had initially been reluctant to make way for development projects had later found themselves happier in the areas in which they had been resettled, not least because living conditions were better and their children's futures were brighter. Lengthy negotiations had culminated in the recent payment of compensation to 80 families affected by the Lao–China Railway Project. A prime ministerial decree, which was strictly enforced, had been issued to combat illegal logging.

46. **Ms. Bethel** said that it was still unclear to her what, if any, social and economic benefits were provided to workers outside the formal economy under the 2013 law on social security. She would welcome a reply to her earlier question as to whether the State-run institutions responsible for agricultural development initiatives had adopted a perspective that would ensure that women were equal actors and decision makers in agricultural development projects and that farming collectives were responsive to issues relating to gender equality. She welcomed the work of the Lao Women's Union in the country's villages but wondered what steps the State itself took to promote access to credit for women. She also wondered what was being done to raise awareness of the need for women to have help from their partners with domestic tasks so that they, too, could work for pay.

47. **Ms. Chantharanonh** (Lao People's Democratic Republic) said that, as she had noted earlier, free health care was provided to persons living in poverty. To enjoy that free care, such people needed only to report to their local authorities. The Agricultural Promotion Bank provided loans even to borrowers, including village women, who had no collateral.

Articles 15 and 16

48. **Ms. Hofmeister** said that she wished to know what obstacles prevented universal birth registration in the State party. She also asked what steps the State party intended to take to enforce its bans on polygamy and child marriage and whether communities and women's rights organizations were consulted on initiatives carried out in that connection. It would be useful to know whether gender-based violence in the domestic sphere was taken into account in child custody and visitation cases.

49. **Ms. Chantharanonh** (Lao People's Democratic Republic) said that the authorities had begun rebuilding the country's civil registration and vital statistics systems. Efforts in that respect had begun in Vientiane and would continue in the rest of the country's communities with the help of mobile registration units. Although child marriages were against the law, they still took place, mainly in rural areas. Campaigns had been launched to discourage such marriages, and there was a programme, run in an area where the tradition was to marry early, designed to help girls avoid getting pregnant before they turned 18. There was no polygamy in the country. Campaigns to combat gender-based violence had also been launched.

50. **Mr. Kittikhoun** (Lao People's Democratic Republic) said that he welcomed the Committee's views on the promotion and protection of women's rights in his country. Those views would encourage the country to continue making efforts to enhance the rights of women. In the years to come, the Lao People's Democratic Republic would also continue making efforts to achieve the Sustainable Development Goals and national development objectives. At the same time, every effort would be made to maintain peace, stability and order, without which women could not fully enjoy their rights.

51. The Lao People's Democratic Republic was committed to the view that all aspects of women's rights were universal, indivisible, interrelated and interdependent. Gender equality and the elimination of discrimination against women were nonetheless best achieved when they were an expression of the will of the people. Dialogue, including international dialogue, was thus critical.

The meeting rose at 4.50 p.m.